

City of Philadelphia



(Bill No. 090839)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 242 by striking from the City Plan and vacating portions of the beds of Old York Road and a certain cut-back area at the southerly side of Sixty-sixth Avenue between Old York Road and Broad Street, thereby reducing the width of Old York Road from Sixty-sixth Avenue to a point approximately one-hundred sixty-three feet southwestwardly therefrom, by relocating the southeasterly curbline of Old York Road from Sixty-sixth Avenue to a point approximately one-hundred ninety-eight feet southwestwardly therefrom, and by placing on the City Plan a curb bumpout at the northeasterly corner of Old York Road and Sixty-fifth Avenue, all 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 hereby authorized to revise the lines and grades on a portion of City Plan No. 242 by:

- a) Striking from the City Plan and vacating the southeasterly nineteen feet wide portion of Old York Road from Sixty-sixth Avenue to a point approximately ninety-three feet southwestwardly therefrom, thereby reducing the width of Old York Road within this area from seventy feet to fifty-one feet.
- b) Striking from the City Plan and vacating the southeasterly eleven feet wide portion of Old York Road from a point approximately ninety-three feet southwest of Sixty-sixth Avenue to a point approximately seventy feet further southwestwardly therefrom, thereby reducing the width of Old York Road within this area from seventy feet to fifty-nine feet.
- c) Striking from the City Plan and vacating a certain cutback area at the southerly side of Sixty-sixth Avenue between Old York Road and Broad Street, thereby making the southerly houseline and curbline of Sixty-sixth Avenue within this area uniform with the lines of Sixty-sixth Avenue to the east and west of this area.
- d) Relocating the southeasterly curbline of Old York Road from Sixty-sixth Avenue to a point approximately ninety-three feet southwestwardly therefrom twenty-four feet northwestwardly thereby reducing the cartway width of Old York Road from forty-four feet to twenty feet and establishing an eighteen feet wide southeasterly footway within this area.
- e) Relocating the southeasterly curbline of Old York Road from a point approximately ninety-three feet southwest of Sixty-sixth Avenue to a point approximately one-hundred five feet further southwestwardly therefrom six feet northwestwardly

City of Philadelphia

BILL NO. 090839 continued

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thereby reducing the cartway width of Old York Road from forty-four feet to thirty-eight feet and establishing an eight feet and nineteen feet wide southeasterly footway within this area.

- f) Relocating a portion of the southeasterly curbline of Old York Road at and near its intersection with the northerly curbline of Sixty-fifth Avenue twelve feet northwestwardly, establishing a curb bumpout at the said intersection and thereby reducing the cartway width of Old York Road from forty-four feet to thirty-two feet 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 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.

City of Philadelphia

BILL NO. 090839 continued

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- 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 PGW, 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) herein.
- f) The payment into the City Treasury, as reimbursement to the City, of the appraised value of the portions of the beds of Old York Road and the cut-back area at the southerly side of Sixty-sixth Avenue being stricken from the City Plan under authority of Sections 1(a), 1(b), and 1(c) of this Ordinance.
- 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.

City of Philadelphia

BILL NO. 090839 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 10, 2010. The Bill was Signed by the Mayor on June 30, 2010.



Michael A. Decker
Chief Clerk of the City Council