

# City of Philadelphia



(Bill No. 100676)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 149 by striking from the City Plan and vacating the legally open portions of Hartwell Lane from a point approximately two-hundred seventy-seven feet southwest of Seminole Street to a point approximately sixty-four feet further southwestwardly therefrom and reserving and placing on the City Plan a right-of-way for water main purposes and public utility purposes within the lines of the portion of Hartwell Lane being stricken and authorizing acceptance of the grant to the City of the said right-of-way, 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. 149 by:

- (a) Striking from the City Plan and vacating the legally open portions of Hartwell Lane from a point approximately two-hundred seventy-seven feet southwest of Seminole Street to a point approximately sixty-four feet further southwestwardly therefrom, within the lines of the Philadelphia, Germantown, and Chestnut Hill Branch of the former Connecting Railway Company (now the SEPTA Chestnut Hill West Regional Rail Line).
- (b) Reserving and placing on the City Plan a right-of-way for water main purposes and public utility purposes within the lines of the portion of Hartwell Lane being stricken.

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 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.
- (b) 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 water main purposes and public utility 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

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submitted to and approved by the Water Department and any other utility which maintains facilities within the said right-of-way. 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 and any public utility which maintains facilities within the said right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

- (c) 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 right-of-way for water main purposes and public utility purposes authorized in Section 1(b) herein.

SECTION 4. The provisions of The Philadelphia Code, Section 14-2104(3)(g), relating to dead end streets, shall not apply to Hartwell Lane 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 December 9, 2010. The Bill was Signed by the Mayor on January 5, 2011.



Michael A. Decker  
Chief Clerk of the City Council