

# City of Philadelphia



(Bill No. 040509)

## AN ORDINANCE

Authorizing the revision of City Plan No. 296 by relocating a portion of a certain right-of-way for drainage purposes, which lies between Shawmont Avenue and Cross Street, under certain terms and conditions.

### *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 relocate a portion of a certain right-of-way for drainage purposes on City Plan No. 296 which extends from Shawmont Avenue to Cross Street. The relocated portion of said right-of-way is described as follows:

ALL THAT CERTAIN lot or piece of ground SITUATE in the twenty-first Ward of the City of Philadelphia described as follows:

BEGINNING at a point on the northwesterly side of Shawmont Avenue (sixty feet wide) located the following three courses and distances, along said Shawmont Avenue, from the intersection of the said northwesterly side of Shawmont Avenue and the southwesterly side of Cross Street (fifty feet wide): south sixty-four degrees seventeen minutes forty seconds west, the distance of nine hundred fifty-seven and nine hundred four thousandths feet to a point of curve; THENCE southwesterly along the arc of a circle, curving to the right, having a radius of five hundred feet, the distance of one hundred twelve and three hundred fifty-six thousandths feet to a point of tangency; THENCE south seventy-seven degrees ten minutes ten seconds west, the distance of two hundred eighty-nine and two hundred sixty-six thousandths feet to the said beginning point; THENCE extending south seventy-seven degrees ten minutes ten seconds west, along the said northwesterly side of Shawmont Avenue, the distance of ninety-three and ninety-seven hundredths feet to a point; THENCE extending north forty-seven degrees fifty-five minutes eight seconds east, the distance of thirteen and fifty-three hundredths feet to a point; THENCE extending north forty-four degrees twenty-six minutes east, the distance of one hundred fifty feet to a point; THENCE extending north forty-five degrees thirty-four minutes west, one hundred eight feet to a point; THENCE extending north three degrees fifty-eight minutes twenty-five seconds west, fifty-six and ninety-seven hundredths feet to a point; THENCE extending north forty degrees five minutes thirty-two seconds east, ninety-seven and fifty hundredths feet to a point;

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THENCE extending north twenty-three degrees five minutes thirty-two seconds east, one hundred seven feet to a point;

THENCE extending north twenty-one degrees fifty-four minutes twenty-eight seconds west, ninety-eight and fifty hundredths feet to a point;

THENCE extending north forty-nine degrees five minutes five seconds east, eighty and ninety-nine hundredths feet to a point;

THENCE extending south twenty-eight degrees fifty-four minutes twenty-eight seconds east, fifty and seventy hundredths feet to a point;

THENCE extending south one degree twenty-four minutes twenty-eight seconds east, one hundred seven and ninety-one hundredths feet to a point;

THENCE extending south twenty-three degrees five minutes thirty-two seconds west, one hundred twenty-seven and ninety-five hundredths feet to a point;

THENCE extending south forty degrees five minutes thirty-two seconds west, eighty and seventy-eight hundredths feet to a point;

THENCE extending south twelve degrees forty-nine minutes fifty seconds east, twenty-eight and sixty-nine hundredths feet to a point;

THENCE extending south forty-five degrees thirty-four minutes east, ninety-two and forty-six hundredths feet to a point;

THENCE extending twelve degrees forty-nine minutes fifty seconds east, forty-one and ninety-nine hundredths feet to a point;

THENCE extending south forty-four degrees twenty-six minutes west, one hundred eleven and seventy-six hundredths feet to a point on the northwesterly side of Shawmont Avenue, the said point of beginning.

**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 party requesting changes to the City Plan hereunder shall file an agreement or agreements, satisfactory to the Law Department, executed by all owners of property affected by this Ordinance, to release the City from all damages and claims for damages that may arise by reason of such City Plan changes. If such requesting party has demonstrated to the satisfaction of the City that it has diligently pursued, but was unsuccessful in obtaining the execution of any such agreements, such party shall file agreements and bond with corporate surety, satisfactory to the Law Department, to release and indemnify the City for all such damages and claims for damages.
- (b) The party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the Law Department, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of such City Plan changes.
- (c) The filing of an agreement by the owner or owners of property affected thereby granting to the City of Philadelphia the aforesaid right-of-way described in Section 1 of this Ordinance. The agreement shall provide that no changes in grades shall be

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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 City of Philadelphia. 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 of Philadelphia to occupy the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and structures.

- (d) The party requesting changes to the City Plan hereunder shall pay 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 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 June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty  
Chief Clerk of the City Council