



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 070457**

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**Introduced May 24, 2007**

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**Councilmember Ramos**

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**Referred to the  
Committee on Streets and Services**

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## **AN ORDINANCE**

Authorizing and directing the revision of lines and grades on a portion of City Plan Nos. 146 and 271 within an area bounded by Delaware Avenue, Shackamaxon Street, a right of way for sewer maintenance within the lines of former Shackamaxon Street, the Pierhead Line of the Delaware River, a certain property line approximately 99 feet northeast of Ellen Street, Penn Street, and Ellen 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 revise the lines and grades on a portion of City Plan Nos. 146 and 271 by:

- (a) Striking from the City Plan and vacating Shackamaxon Street from Delaware Avenue approximately 158 feet southeastwardly to a dead end at former Penn Street.
- (b) Reserving and placing on the City Plan a 60 feet wide right of way for water main purposes, drainage purposes, and public utility purposes within the lines of Shackamaxon Street being stricken from the City Plan by authority of this ordinance.
- (c) Widening an existing right of way for sewer maintenance within the lines of former Laurel Street from Delaware Avenue to an existing right of way within the lines of former Penn Street from 50 feet to 60 feet.
- (d) Striking from the City Plan and abandoning a 60 feet wide right of way for drainage purposes, water main purposes, and gas main purposes within the lines of former Penn Street and extending from an existing right of way within the lines of former Laurel Street to Shackamaxon Street.

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- (e) Striking from the City Plan and abandoning a 50 feet wide right of way for drainage purposes within the lines of former Laurel Street and extending from an existing right of way within the lines of former Penn Street to the Pierhead Line of the Delaware River.
- (f) Placing on the City Plan a 60 feet wide right of way for drainage purposes extending from an existing 60 feet wide right of way within the lines of former Penn Street at the approximate distance of approximately 99 feet northeast of Ellen Street southeastwardly to the Pierhead Line of the Delaware River.
- (g) Relocating the southeasterly curblineline of Delaware Avenue to establish certain bump-outs and lay-bys forming a variable width footway area along the southeasterly side of Delaware Avenue from Ellen Street to Shackamaxon Street.

**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 bond with corporate surety, 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

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located at 3201 Fox Street at no cost to the City. The agreement shall provide that this work be completed within two years from the date of confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.

- (d) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor, and in an amount satisfactory to the Water Department and the Department of Streets, to cover the cost of the work required under Section 2(c).
- (e) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid rights of way for water main purposes, drainage purposes, and public utility purposes, for sewer maintenance, and for drainage purposes authorized in Section 1(b), Section 1(c), and Section 1(f) 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 Water Department for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (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.** 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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