

City of Philadelphia



Philadelphia, December 4, 2003

CERTIFICATION: This is to certify that Bill No. 030655 was presented to the Mayor on the thirteenth day of November, 2003, and was not returned to the Council with his signature at a meeting held December 4, 2003 (being more than ten days after it has been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council

(Bill No. 030655)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan Nos. 43, 166, 265 and 269 of an area bounded by, the University Avenue Extension, Pine Street, Fortieth Street, Woodland Avenue and University Avenue.

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. 43, 166, 265 and 269 by:

- (a) Striking from the City Plan and vacating:
 - 1. Baltimore Avenue from the easterly side of Thirty-ninth Street to the westerly side of University Avenue Extension.
 - 2. Woodland Avenue from the northerly side of University Avenue to the westerly side of University Avenue Extension.

(b) Reserving and placing on the City Plan:

City of Philadelphia

BILL NO. 030655 continued

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1. A certain right-of-way, for drainage, water main, existing utilities and underground tunnel purposes, variable width, partly in the bed of Baltimore Avenue from Baltimore Avenue to the University Avenue Extension.

(c) Relocating:

1. The northerly house line and curb line of University Avenue a variable distance northwardly from the westerly side of University Avenue Extension to a point approximately two hundred and twenty-five (225) feet westwardly therefrom.
2. The northerly curblines of Baltimore Avenue a variable distance southwardly from the westerly side of Thirty-ninth Street a variable distance westwardly.
3. The southerly curb line adjacent to the angle point intersection, joining Woodland Avenue and University Avenue a variable distance northwardly.
4. The southerly and westerly curb line adjacent to the curvilinear intersection, joining Woodland Avenue and University Avenue a variable distance northwardly and eastwardly.
5. The easterly house line at the connection between Woodland Avenue and Baltimore Avenue approximately fifty (50) feet westwardly.
6. The easterly curb line at the connection between Woodland Avenue and Baltimore Avenue approximately sixty (60) feet westwardly.
7. The easterly curb line of Thirty-ninth Street a variable distance westwardly from University Avenue to a point approximately one hundred five (105) feet northwardly therefrom.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year from the date of approval of this Ordinance:

- (a) The filing of an agreement, satisfactory to the Law Department, 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 Law Department, to indemnify the City as aforesaid.
- (b) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.
- (c) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of property affected thereby, reserving and granting to the City the certain right-of-way for drainage purposes, water main purposes, existing utility and underground tunnel purposes described in Section 1(b) of this Ordinance. This agreement shall provide that no changes in grades shall be made and that no 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 Philadelphia Water

City of Philadelphia

BILL NO. 030655 continued

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Department, the various existing utilities and SEPTA or the owner or occupier of the previously mentioned tunnel, as appropriate. 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 or SEPTA for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present drainage, water and tunnel structures.

- (d) The filing of an agreement, satisfactory to the Law Department, 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 such structures and facilities which may be necessary in the judgment of the Department of Streets and 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 delivery to the storage yard of the Water Department located at Twenty-ninth Street and Cambria Street at no cost to the City and 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 delivery to the storage yard of the Water Department located at 3201 North Fox Street at no cost to the City. The Agreement shall provide that this work be completed within one (1) year from the date of confirmation by the Board of Surveyors of the City Plan Changes authorized by this Ordinance.
- (e) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of the work required under Section 2 (d).
- (f) The dedication to the City, free and clear of all encumbrances, the area lying between the existing house line of University Avenue and the house line as proposed under the authority 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. That certain part of the connection between Woodland Avenue and Baltimore Avenue, completely owned by the City, is hereby declared to be legally open.

SECTION 4. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within one hundred twenty (120) days after the date this Ordinance becomes law.