

City of Philadelphia



(Bill No. 080635)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 34-S, in the area south of Oregon Avenue and west of Christopher Columbus Boulevard, by striking from the City Plan and abandoning a portion of a right-of-way for drainage purposes reserved within the lines of former Bigler Street and placing on the City Plan a right-of-way for drainage purposes in an alternate location laying north of former Bigler Street, and authorizing acceptance of the grant of such right-of-way to the City, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-404 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. 34-S by:

- (a) Striking from the City Plan and abandoning a portion of a certain sixty feet wide right-of-way for drainage purposes reserved within the lines of former Bigler Street which extends westwardly from a point on the westerly side of Christopher Columbus Boulevard, approximately eight-hundred sixty feet south of Oregon Avenue, the said portion being stricken and abandoned extending from a point approximately eighty-two feet west of said Christopher Columbus Boulevard to a point approximately five-hundred sixty-two feet further westwardly therefrom.
- (b) Placing on the City Plan a right-of-way for drainage purposes extending westwardly of a width of approximately twenty-seven feet from a point on the said westerly side of Christopher Columbus Boulevard, at the northerly side of the said existing right-of-way for drainage purposes being revised by authority of Section 1(a) herein, to the proposed easterly terminus of the said existing right-of-way for drainage purposes, thence extending northwardly, westwardly, and southwestwardly of a width of sixty feet to the proposed westerly terminus of the said existing right-of-way for drainage purposes.

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

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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 owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage 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 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 City for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (d) 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 6, 2008. The Bill was Signed by the Mayor on November 19, 2008.



Patricia Rafferty
Chief Clerk of the City Council