

# City of Philadelphia



(Bill No. 010349)

## AN ORDINANCE

Authorizing the Commissioner of Public Property to purchase in lieu of condemnation, or to select and appropriate, certain lots or parcels of ground within the area bounded by Lehigh avenue, Twenty-eighth street, Oakdale street, and Twenty-ninth street, for public library purposes, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The Commissioner of the Department of Public Property is hereby authorized, for public library purposes, to purchase in lieu of condemnation, or if he is unable to agree with the owner or owners as to the price thereof, or if the owner or owners are absent, incapacitated, or unknown by reason of which no agreement can be made, then to select and appropriate those plots of ground within the area bounded by Lehigh avenue, Twenty-eighth street, Oakdale street, and Twenty-ninth street that are described in Exhibit "A" attached hereto together with any buildings or improvements that may be found thereon (the "Premises"), and to extinguish one (1) three foot (3') wide alley and to establish two (2) three foot (3') wide alleys that are described in Exhibit "A" ("Alley #1" and "Alley #2").

SECTION 2. The following provisions shall apply to the purchase in lieu of condemnation of the Premises;

(a) The City Solicitor is authorized to examine or cause to be examined title to the Premises.

(b) If title to the Premises is found to be good and marketable, the Commissioner of Public Property is authorized to enter into an agreement upon terms and in form satisfactory to the City Solicitor for the purchase in lieu of condemnation of the Premises. The Commissioner of Public Property is authorized to develop the Premises for public library purposes.

(c) The City shall obtain fee simple title.

SECTION 3. The following provisions shall apply to the selection and appropriation of the Premises:

(a) The City Solicitor is authorized and directed to prepare and file with the appropriate court a Declaration of Taking, which shall be executed by the Commissioner

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of Public Property, for the selection and appropriation of the Premises and to undertake any action necessary to carry out the intent and purposes of this Ordinance.

(b) The City shall acquire a fee simple title and the Commissioner of Public Property is authorized to develop the Premises for public library purposes.

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## EXHIBIT "A"

### DESCRIPTION OF PREMISES

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the 28th. ward of the City of Philadelphia, and described according to a Survey & Plan of Property, dated June 11, 2001, made by James E. Shomper, Surveyor and Regulator of the Sixth Survey District, as follows:

BEGINNING at a point, on the southwesterly side of Lehigh Avenue (80' wide) measured N-78°39'00"-W, along the southwesterly side of said Lehigh Avenue, the distance of 64.000' from the intersection formed by the northwesterly side of 28th Street (50' wide), and the southwesterly side of said Lehigh Avenue; thence extending from said point of beginning S\_11°21'00"\_W, crossing the head of a certain 3' wide alley that extends southeastwardly to the northwesterly side of said 28th Street, the distance of 70.000' to a point on the southerly side of said 3' wide alley; thence extending S\_78°39'00"\_E, along the southerly side of said 3' wide alley, the distance of 64.000' to a point on the northwesterly side of said 28th Street; thence extending S-11°21'00"-W, along the northwesterly side of said 28th Street, the distance of 44.146' to a point of intersection formed by the northwesterly side of said 28th Street and northeasterly side of Oakdale Street (30' wide); thence extending N-78°39'00"-W, along the northeasterly side of said Oakdale Street, crossing the head of a proposed (# 1) 3' wide alley, the distance of 270.000' to a point on the westerly side of said (#1) 3' wide alley; thence extending N\_11°21'00"\_E, partly along the westerly side of said (#1) 3' wide alley, the distance of 45.646' to a point in the center of a certain 3' wide alley that extends northwestwardly to the southeasterly side of 29th Street (70' wide); thence extending S\_78°39'00"\_E, along the center of said 3' wide alley, the distance of 46.000' to a point; thence extending N\_11°21'00"\_E, partly along the westerly side of a proposed (#2) 3' wide alley that extends northeastwardly to the southwesterly side of said Lehigh Avenue and partly thru a wall, the distance of 68.500' to a point on the southwesterly side of said Lehigh Avenue; thence extending S\_78°39'00"\_E, crossing the head of said (#2) 3' wide alley and along said Lehigh Avenue, the distance of 160.000' to a point, being the first mentioned point and place of beginning.

Containing in area 23,188 sq. ft. or 0.53232 acres.

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## DESCRIPTION OF 3' WIDE ALLEY PROPOSED TO BE EXTINGUISHED

ALL THAT CERTAIN interior piece of ground, situate in the 28th. ward of the City of Philadelphia, and described according to a Survey & Plan of Property, dated June 11, 2001, made by James E. Shomper, Surveyor and Regulator of the Sixth Survey District, as follows:

BEGINNING at an interior point located the following two courses and distances from a point of intersection formed by the northeasterly side of Oakdale Street (30' wide) and the northwesterly side of 28th Street (50' wide) (1) N<sub>11°21'00"</sub>\_E, along the northwesterly side of said 28th Street, the distance of 44.146' to a point on the southerly side of a certain 3' wide alley; (2) N<sub>78°39'00"</sub>\_W, along the southerly side of said 3' wide alley, the distance of 64.000' to a point on the southerly side of a 3' wide alley proposed to be extinguished being the true point of beginning; THENCE extending from said point of beginning N<sub>78°39'00"</sub>-W, along the southerly side of said 3' wide alley proposed to be extinguished, the distance of 157.000' to a point on the southerly side of the head of a certain 3' wide alley that extends northwestwardly to the southeasterly side of 29th Street (70' wide); thence extending N<sub>11°21'00"</sub>\_E, crossing said 3' wide alley, the distance of 3.000' to a point on the northerly side of said 3' wide alley proposed to be extinguished; thence extending S<sub>78°39'00"</sub>\_E, along said 3' wide alley proposed to be extinguished, the distance of 157.000' to a point on the northerly side of the head of said 3' wide alley that extends southeastwardly to the northwesterly side of 28th Street; thence extending S<sub>11°21'00"</sub>\_W, recrossing said 3' wide alley, the distance of 3.000' to the first mentioned point and place of beginning.

## DESCRIPTION OF PROPOSED ALLEY #1

ALL THAT CERTAIN piece of ground, situate in the 28th. ward of the City of Philadelphia, and described according to a Survey & Plan of Property, dated June 11, 2001, made by James E. Shomper, Surveyor and Regulator of the Sixth Survey District, as follows:

BEGINNING at a point, on the northeasterly side of Oakdale Street (30' wide) measured N<sub>78°39'00"</sub>-W, along the northeasterly side of said Oakdale Street, the distance of 267.000' from the intersection formed by the northwesterly side of 28th Street (50' wide) and the northeasterly side of said Oakdale Street; thence extending from said point of beginning N<sub>78°39'00"</sub>\_W, along the northeasterly side of said Oakdale Street and crossing the head of a proposed 3' wide alley, the distance of 3.000' to a point; thence extending N<sub>11°21'00"</sub>\_E, along the westerly side of said proposed 3' wide alley, the distance of 44.146' to a point on the southerly side of a certain 3' wide alley that extends northwestwardly to the southeasterly side of 29th Street (70' wide); thence extending S<sub>78°39'00"</sub>-E, along the southerly side of said 3' wide alley, the distance of

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3.000' to a point; thence extending S<sub>11°21'00</sub>\_W, along the easterly side of said proposed 3' wide alley, the distance of 44.146' to a point on the northeasterly side of said Oakdale Street, being the first mentioned point and place of beginning.

## DESCRIPTION OF PROPOSED ALLEY #2

ALL THAT CERTAIN piece of ground, situate in the 28th. ward of the City of Philadelphia, and described according to a Survey & Plan of Property, dated June 11, 2001, made by James E. Shomper, Surveyor and Regulator of the Sixth Survey District, as follows:

BEGINNING at a point, on the southwesterly side of Lehigh Avenue (80'wide) measured N<sub>78°39'00</sub>"-W, along the southwesterly side of said Lehigh Avenue, the distance of 221.000' from the intersection formed by the northwesterly side of 28th Street (50' wide), and the southwesterly side of said Lehigh Avenue; thence extending from said point of beginning S<sub>11°21'00</sub>"\_W, along the easterly side of a proposed 3' wide alley, the distance of 67.000' to a point on the northerly side of a certain 3' wide alley that extends northwestwardly to the southeasterly side of 29th Street (70'wide); thence extending N<sub>78°39'00</sub>"\_W, along the northerly side of said 3' wide alley, the distance of 3.000' to a point; thence extending N<sub>11°21'00</sub>"-E, along the westerly side of said proposed 3' wide alley, the distance of 67.000' to a point on the southwesterly side of said Lehigh Avenue; thence extending S<sub>78°39'00</sub>"-E, along the southwesterly side of said Lehigh Avenue and crossing said proposed 3' wide alley, the distance of 3.000' to a point, being the first mentioned point and place of beginning.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 14, 2001. The Bill was Signed by the Mayor on August 31, 2001.



Marie B. Hauser  
Chief Clerk of the City Council