

City of Philadelphia



(Bill No. 070818)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 371 by striking from the City Plan and abandoning a portion of a certain sixty-four feet wide right-of-way for maintenance of existing sewers and water mains and for drainage purposes in the area bounded by Rowland Avenue, Ryan Avenue, and Sandyford Avenue, 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 authorized to revise the lines and grades on a portion of City Plan No. 371 by striking from the City Plan and abandoning a portion of a certain sixty-four feet wide right-of-way for maintenance of existing sewers and water mains and for drainage purposes, said portion to be abandoned described as follows:

Beginning at an interior point, said point being measured from the intersection of the northeasterly side of Ryan Avenue (eighty-eight feet wide) and the northwesterly side of Rowland Avenue (eighty-eight feet wide) the following two (2) courses and distances: (1) North sixty degrees forty-eight minutes forty-seven seconds East, along the said northwesterly side of Rowland Avenue, the distance of one-thousand sixty-two and nine-hundred sixty-five one-thousandths feet to a point on the southwesterly side of a sixty-four feet wide right-of-way for maintenance of existing sewers and water mains and for drainage purposes; (2) North twenty-nine degrees eleven minutes thirteen seconds West, along the southwesterly side of the said sixty-four feet wide right-of-way, the distance of three-hundred sixty-four feet to the point of beginning; thence extending North twenty-nine degrees eleven minutes thirteen seconds West, along the southwesterly side of the said right-of-way, the distance of eight-hundred forty-four feet to a point at the terminus of the said right-of-way; thence extending North sixty degrees forty-eight minutes forty-seven seconds East, crossing the terminus of the said right-of-way, the distance of sixty-four feet to a point on the northeasterly side of the said right-of-way; thence extending South twenty-nine degrees eleven minutes thirteen seconds East, along the northeasterly side of the said right-of-way, the distance of eight-hundred forty-four feet to a point on the northwesterly side of a second sixty-four feet wide right-of-way for maintenance of existing sewers and water mains and for drainage purposes; thence extending South sixty degrees forty-eight minutes forty-seven seconds

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West, crossing the first mentioned right-of-way, the distance of sixty-four feet to the first mentioned point and place of beginning.

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 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 School District of Philadelphia, 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 City Solicitor, by the School District of Philadelphia, agreeing 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 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 located at 3201 Fox Street, at no cost to the City. The agreement shall provide that this work be completed within one year from the date of confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- (d) The School District of Philadelphia shall file a bond, with corporate surety, satisfactory to the City Solicitor, or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Department of Streets, to cover the cost of the work required under Section 2(c).

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- (e) The payment by the School District of Philadelphia 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 15, 2007. The Bill was Signed by the Mayor on November 29, 2007.



Patricia Rafferty
Chief Clerk of the City Council