

City of Philadelphia



(Bill No. 040781)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 146 by striking from the City Plan and vacating Morse street from Beach street to Allen street, by striking from the City Plan and vacating Allen street from Morse street northeastwardly approximately eighty feet to a dead end, and by reserving and placing a right-of-way for gas main purposes within the lines of Morse street from Beach street to Allen street, all 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 and directed to revise the lines and grades on a portion of City Plan No. 146 by:

- (a) Striking from the City Plan and vacating Morse street from Beach street to Allen street.
- (b) Striking from the City Plan and vacating Allen street from Morse street northeastwardly approximately eighty feet to a dead end.
- (c) Reserving and placing on the City Plan a right-of-way for gas main purposes within the lines of Morse street from Beach street to Allen street being stricken and vacated under authority of this Ordinance.

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

- (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; provided that, only after the party in interest has demonstrated best efforts to obtain such agreements and such efforts are unsuccessful, in lieu thereof, 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.

City of Philadelphia

BILL NO. 040781 continued

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(c) 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 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 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 year from the date of confirmation by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

(d) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).

(e) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of property affected thereby, granting to the City the right-of-way for gas main purposes described in Section 1(c) of this Ordinance. The 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 Gas Works. 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 the Philadelphia Gas Works for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future gas 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 sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 040781 continued

Certified Copy

City of Philadelphia

BILL NO. 040781 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 14, 2004. The Bill was Signed by the Mayor on October 27, 2004.



Patricia Rafferty
Chief Clerk of the City Council