

City of Philadelphia



(Bill No. 030733)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 46-S of an area bounded by, Twentieth Street, Pattison Avenue, Penrose Avenue, and Hartranft Street, by placing on the City Plan, Reserve Boulevard, Tuscany Drive, Capri Drive, certain rights-of-way for drainage purposes, water main purposes and gas main purposes and certain other rights-of-way for gas main purposes only, 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 to revise the lines and grades on a portion of City Plan No. 46-S by:

(a) Placing on the City Plan Reserve Boulevard from Twentieth Street westwardly to a right angle, thence southwardly to Pattison Avenue, Tuscany Drive from Pattison Avenue to Reserve Boulevard and Capri Drive from Reserve Boulevard to the northerly side of Hartranft Street.

(b) Placing on the City Plan certain rights-of-way for drainage purposes, water main purposes and gas main purposes and certain other rights-of-way for gas main purposes only, within the area bounded by, Twentieth Street, Pattison Avenue, Penrose Avenue, and Hartranft Street.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one-year (1) 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.

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(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 rights-of-way 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 Department and PGW. 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 PGW for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future drainage, water and PGW structures.

(d) The dedication to the City, free and clear of all encumbrances, the beds of Reserve Boulevard, Tuscany Drive, Capri Drive as proposed to be placed on the City Plan under the authority of this Ordinance.

(e) 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), toward costs thereof, is paid into the City Treasury within one hundred twenty (120) days after the date 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 December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council