

City of Philadelphia



Philadelphia, September 13, 2012

CERTIFICATION: This is to certify that Bill No. 120395, was presented to the Mayor on the twenty first day of June, 2012, and was not returned to the Council with his signature at a meeting held September 13, 2012 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 120395)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 271 by striking from the City Plan and vacating Bodine Street from Spring Garden Street to Green Street and reserving and placing on the City Plan a right-of-way for use as a pedestrian walkway within the easterly six feet wide portion of said Bodine Street, under certain terms and conditions, and authorizing acceptance of the grant to the City of the said right-of-way.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-403 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. 271 by:

- (a) Striking from the City Plan and vacating Bodine Street from Spring Garden Street to Green Street.
- (b) Reserving and placing on the City Plan a right-of-way for use as a pedestrian walkway within the easterly six feet wide portion of said Bodine Street.

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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(s) 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 release 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 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, 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 the 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 filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the area being affected. 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.
- (e) The party in interest 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

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amount satisfactory to the Department of Streets and the Water Department, to cover the cost of the work required under Section 2(c) herein.

- (f) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for use as a pedestrian walkway authorized in Section 1(b) of this Ordinance. The agreement shall provide that the party in interest shall maintain adequate pedestrian access through the said right-of-way at all times and shall be responsible for maintaining the paving within the said right-of-way in good repair. The agreement shall also provide that no structure, fixture, excavation, obstruction, projection, or other encroachment shall be erected or maintained over, on, in, or under the said right-of-way, unless the plans for such encroachments shall first be submitted to and approved by the Department of Streets.
- (g) 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. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid right-of-way for use as a pedestrian walkway authorized in Section 1(b) herein.

SECTION 4. 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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