

City of Philadelphia



(Bill No. 070389)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 149 within an area bounded by Willow Grove Avenue, Towanda Street, Springfield Avenue and a 50' right-of-way for gas main purposes which lies within the bed of former Huron 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. 149 by:

- (a) Striking and abandoning a portion of a 50' right-of-way for gas main purposes which lies within the bed of former Huron Street, beginning at a point approximately 109' southeast of Willow Grove Avenue and extending for approximately 127' in a southeasterly direction.
- (b) Placing a certain 25' wide right-of-way for gas main purposes beginning at the northeasterly line of the above 50' right-of-way for gas main purposes approximately 84' southeast of Willow Grove Avenue and extending in a northeastwardly, southeastwardly and southwestwardly direction there from.

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 locate any owner or owners of property affected and has been unable to do so, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the City Solicitor, to indemnify 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, 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 party in interest, agreeing to make any and all changes and adjustments to Philadelphia Gas Works

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facilities which may be necessary in the judgment of the Philadelphia Gas Works by reason of the City Plan changes authorized herein. 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 party in interest shall file a bond with corporate surety, satisfactory to the City Solicitor, and in amount satisfactory to the Department of Streets, to cover the cost of the work required under Section 2(c).
- (e) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way gas main purposes in Section 1(b) of this Ordinance. The agreement shall provide that no changes in grades shall be made and that no fences, buildings or other structures, either overhead, underground or upon the surface shall be constructed within the lines of the rights-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 Philadelphia Gas Works for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and 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 one hundred 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 June 14, 2007. The Bill was Signed by the Mayor on July 31, 2007.



Patricia Rafferty
Chief Clerk of the City Council