

City of Philadelphia



(Bill No. 090290)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 46-S within an area bounded by Twenty-Sixth Street, the Schuylkill Expressway, and Penrose Avenue by placing on the City Plan three rights-of-way for drainage purposes; striking from the City Plan and vacating a portion of Hartranft Street between Twenty-Second Street and Penrose Avenue; authorizing the acquisition from the DRPA and subsequent conveyance to the abutting property owner of the bed of the portion of Hartranft Street being stricken; reserving and placing on the City Plan a right-of-way for various purposes within the lines of the portion of Hartranft Street being stricken; authorizing acceptance of the grant to the City of the rights-of-way placed on the City Plan by authority of this Ordinance; and relocating the curblines of the existing traffic island at the intersection of Hartranft Street, Penrose Avenue, and Twenty-Second 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 hereby authorized to revise the lines and grades on a portion of City Plan No. 46-S within an area bounded by Twenty-Sixth Street, the Schuylkill Expressway, and Penrose Avenue by:

- (a) Placing on the City Plan a thirty feet wide right-of-way for drainage purposes located on the southwesterly side of Colli Drive, approximately twenty-four feet northwest of the southeasterly side of Pietro Way, and extending southwestwardly approximately one-hundred ten feet to a terminus.
- (b) Placing on the City Plan a right-of-way for drainage purposes located on the northeasterly side of Roma Drive, approximately seventy-nine feet northwest of the northwesterly side of Napoli Way produced, and extending northeastwardly, of a width of thirty feet, approximately one-hundred thirty feet to a point, and thence northwestwardly, of a width of thirty and seventy-two one-thousandths feet, approximately one-hundred sixty-eight feet to a terminus and southeastwardly, of a width of thirty and sixty-one one-thousandths feet, approximately one-hundred forty-five feet to a certain existing right-of-way reserved for maintenance of sewer and for sewer and drainage purposes.
- (c) Placing on the City Plan a right-of-way for drainage purposes located on the northeasterly side of Roma Drive, approximately seventy-two feet southeast of the southeasterly side of Pietro Way produced, and extending northeastwardly, of a width of thirty feet, approximately one-hundred twenty-six feet to a point, and

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thence southeastwardly, of a width of thirty and seventy-two one-thousandths feet, approximately thirty feet to a terminus and further northeastwardly, of a width of thirty feet, approximately thirty-seven feet to a certain existing right-of-way reserved for maintenance of sewer and for sewer and drainage purposes.

- (d) Striking from the City Plan and vacating a portion of Hartranft Street between Twenty-Second Street and Penrose Avenue by relocating the northeasterly curblines and houseline of said Hartranft Street a variable distance southwestwardly.
- (e) Reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of the portion of Hartranft Street being stricken by authority of Section 1(d) herein.
- (f) Relocating the curblines of the existing traffic island at the intersection of Hartranft Street, Penrose Avenue, and Twenty-Second Street, thereby establishing a thirty-four feet wide cartway on Hartranft Street, from Twenty-Second Street to Penrose Avenue, and a twenty-four feet wide cartway on Twenty-Second Street, from Hartranft Street to Penrose Avenue.

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 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,

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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 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 amount satisfactory to the Department of Streets and the Water Department, to cover the cost of the work required under Section 2(c) herein.
- (e) The filing of an agreement, satisfactory to the City Solicitor, by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for drainage purposes authorized in Sections 1(a), 1(b), and 1(c) herein and the aforesaid right-of-way for drainage purposes, water main purpose, gas main purposes, and public utility purposes authorized in Section 1(e) herein. 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 Water Department, the Philadelphia Gas Works, and any other public utility which maintains facilities within the said rights-of-way. 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, the Gas Works, and any other public utility which maintains facilities within the said rights-of-way 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. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid rights-of-way for drainage purposes authorized in Sections 1(a), 1(b), and 1(c) herein and the aforesaid right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes authorized in Section 1(e) herein.

SECTION 4. The Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to accept a quit-claim deed from the Delaware River Port Authority, for nominal consideration, for the portion of Hartranft Street being stricken and vacated by authority of Section 1(d) herein owned by the Port Authority and having been dedicated to the City as a public highway.

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SECTION 5. The Commissioner of Public Property is hereby further authorized to convey to the owner or owners of property abutting the northeasterly side of Hartranft Street, between Twenty-Second Street and Penrose Avenue, by a quit-claim deed and for nominal consideration, the portion of Hartranft Street being stricken from the City Plan and vacated by authority of Section 1(d) herein, subject to the reservation of the right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes being placed on the City Plan by authority of Section 1(e) herein.

SECTION 6. The City Solicitor is hereby authorized to review and to approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

SECTION 7. 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 June 11, 2009. The Bill was Signed by the Mayor on June 24, 2009.



Patricia Rafferty
Chief Clerk of the City Council