

City of Philadelphia



(Bill No. 110520)

AN ORDINANCE

Authorizing the plotting upon City Plan No. 285 of a right-of-way for drainage purposes in the area lying southeast of Roberts Avenue and southwest of Fox Street and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to approve the plotting upon City Plan No. 285 of a right-of-way for drainage purposes in the area lying southeast of Roberts Avenue and southwest of Fox Street, the said right-of-way being more particularly described as follows:

ALL THAT CERTAIN lot or piece of ground, situate in the Thirty-Eighth Ward of the City of Philadelphia, and described as follows:

BEGINNING AT A POINT, said point being measured from the point of intersection of the southeasterly side of Roberts Avenue (seventy-eight feet wide) and the southwesterly side of Fox Street (eighty feet wide) the following two (2) courses and distances: (1) South fifty-six degrees forty-nine minutes thirty-one seconds West, along the said southeasterly side of Roberts Avenue, the distance of one-thousand fifty-one and seven-hundred fifty one-thousandths feet to a point; (2) South twenty-nine degrees two minutes six seconds East, the distance of seven-hundred seventy-eight and eight-hundred twelve one-thousandths feet to the point of beginning; thence, from said point of beginning, extending North seventy-three degrees fifty-nine minutes thirty-seven seconds East, the distance of one-hundred fifty-six and five-hundred seventy-five one-thousandths feet to a point on the southwesterly side of a certain sixty feet wide right-of-way reserved for drainage purposes which extends southeastwardly and communicates with certain other rights-of-way; thence extending South sixty-seven degrees fifty-six minutes twenty-six seconds East, along the said southwesterly side of the certain sixty feet wide right-of-way, the distance of sixty-three and three-hundred eighty-one one-thousandths feet to a point on the northwesterly side of a certain fifty feet wide right-of-way reserved for drainage purposes which extends southwestwardly and southeastwardly to the northwesterly side of Hunting Park Avenue (one-hundred feet wide); thence extending South

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twenty-two degrees three minutes thirty-four seconds West, along the said northwesterly side of the certain fifty feet wide right-of-way, the distance of one-hundred thirty-nine and seven-hundred ninety-four one-thousandths feet to a point; thence extending North thirty-six degrees forty-two minutes twenty-eight seconds West, the distance of ninety-five and two-hundred ninety-one one-thousandths feet to a point; thence extending South seventy-three degrees fifty-nine minutes thirty-seven seconds West, the distance of seventy-two and seven-hundred fourteen one-thousandths feet to a point; thence extending North twenty-nine degrees two minutes six seconds West, the distance of sixty-one and five-hundred eighty-five one-thousandths feet to the FIRST MENTIONED POINT AND PLACE OF BEGINNING.

BEING a proposed right-of-way for drainage purposes in the area lying southeast of Roberts Avenue and southwest of Fox Street.

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 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.
- (b) 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 right-of-way for drainage purposes authorized in Section 1 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 right-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department. 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 for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

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 drainage purposes authorized in Section 1 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 8, 2011. The Bill was Signed by the Mayor on December 21, 2011.



Michael A. Decker
Chief Clerk of the City Council