

City of Philadelphia



(Bill No. 090442)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 157 by placing on the City Plan Fourth Street from Westmoreland Street to Ontario Street, east of Lawrence Street, and Westmoreland Street from Lawrence Street to Fourth Street, partly within the lines of an existing pedestrian walkway, and authorizing the opening of the portion of the bed of Westmoreland Street extending through property owned by the City of Philadelphia, all under certain terms and conditions, including the dedication to the City of the bed of Fourth Street and the portion of the bed of Westmoreland Street not owned by the City.

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 revise the lines and grades on a portion of City Plan No. 157 by:

- (a) Placing on the City Plan Fourth Street from Westmoreland Street to Ontario Street, approximately one-hundred fifty-seven feet east of Lawrence Street.
- (b) Placing on the City Plan Westmoreland Street from Lawrence Street to Fourth Street, partly within the lines of an existing twelve feet wide and fifty feet wide pedestrian walkway which extends from said Lawrence Street eastwardly to the westerly line of the former North Pennsylvania Road.

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 authorizes 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.

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(c) The dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances, of the bed of Fourth Street and the portion of the bed of Westmoreland Street not owned by the City as proposed to be placed on the City Plan by authority of this Ordinance.

(d) 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. Effective upon confirmation of the City Plan changes authorized herein, the Board of Surveyors is hereby authorized to adopt a resolution declaring the portion of the said Westmoreland Street extending through property owned by the City of Philadelphia to be legally open.

SECTION 4. The provisions of The Philadelphia Code, Section 14-2104(5), relating to the widths of streets, shall not apply to the streets affected by this Ordinance.

SECTION 5. 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 18, 2009. The Bill was Signed by the Mayor on June 26, 2009.



Patricia Rafferty
Chief Clerk of the City Council