

City of Philadelphia



(Bill No. 040563)

AN ORDINANCE

Authorizing the revisions of lines and grades on a portion of City Plan Nos. 271 and 146 in the vicinity of Penn Street and Shackamaxon Street, 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 to revise the lines and grades on a portion of City Plan Nos. 271 and 146 by:

- (a) Striking from the City Plan and vacating Penn Street from Ellen Street to Shackamaxon Street.
- (b) Reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes, and gas main purposes within the lines of Penn Street being stricken from the City Plan under authority of this Ordinance.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year from the date this Ordinance becomes law:

- (a) The party requesting changes to the City Plan hereunder shall file an agreement or agreements, satisfactory to the Law Department, executed by all owners of property affected by this Ordinance, to release the City from all damages and claims for damages that may arise by reason of such City Plan changes. If such requesting party has demonstrated to the satisfaction of the City that it has diligently pursued, but was unsuccessful in obtaining the execution of any such agreements, such party shall file agreements and bond with corporate surety, satisfactory to the Law Department, to release and indemnify the City for all such damages and claims for damages.
- (b) The filing of an agreement, satisfactory to the Law Department, 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) If in the best interest of the City, the filing of an agreement by the owner or owners of property affected thereby granting to the City of Philadelphia and the Philadelphia Gas Works the aforesaid right-of-way described 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,

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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 City of Philadelphia and 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 City of Philadelphia and the Philadelphia Gas Works, to occupy the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and structures.

- (d) The party requesting changes to the City Plan hereunder shall file a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).
- (e) The party requesting changes to the City Plan hereunder shall pay to the City the appraised value of the bed of Penn Street being stricken from the City Plan under authority of this Ordinance.
- (f) The party requesting changes to the City Plan hereunder shall pay 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 21, 2004. The Bill was Signed by the Mayor on July 1, 2004.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty
Chief Clerk of the City Council