

City of Philadelphia



(Bill No. 090876)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating Cherry Street from Broad Street to Carlisle Street and by 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 Cherry Street being stricken from the City Plan and vacated under authority of this Ordinance, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-403 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 No. 307 by:

- (a) Striking from the City Plan and vacating Cherry Street from Broad Street to Carlisle Street.
- (b) Reserving and placing on the City Plan a forty (40) foot wide right-of-way for drainage purposes, water main purposes, gas main purposes and public utility purposes within the lines of Cherry Street being stricken from the City Plan and vacated under authority of this Ordinance.

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 Law Department, 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

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agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.

- (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) The filing of an agreement, satisfactory to the Law Department, 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 and to other city structures either overhead, underground or upon the surface, including the relocation, abandonment, repairing, reconstruction, cutting and sealing such structures and facilities which may be necessary in the judgment of the Department of Streets and Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of salvageable hydrants, valves, manhole covers, frames and connections as determined by the Water Department and delivery to the storage yard of the Water Department located at Twenty-ninth Street and Cambria Street at no cost to the City and 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 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 on the City Plan changes authorized by this Ordinance.
- (d) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage purposes and water main purposes and granting to the Philadelphia Gas Works and other public utilities 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, 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 and approved by the Philadelphia Water

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Department, the Philadelphia Gas Works and any public utility having facilities in the utility right-of-way. The agreement shall also grant the right of public pedestrian access at all times over the property vacated hereby. The agreement shall also provide the right-of-access and occupation at any and all times to the officers, agents, employees and contractors of the City, Philadelphia Gas Works and any other public utility having facilities in the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future utility facilities and structures.

- (e) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).
- (f) The payment of 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 sixty (60) 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 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council