

City of Philadelphia



(Bill No. 090741)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 296, in the area laying northwest of Shawmont Avenue and southwest of Eva Street, by striking from the City Plan and abandoning a portion of a right-of-way for sewers and placing on the City Plan, in an alternate location within the same area, a right-of-way for drainage purposes and water main purposes and authorizing acceptance of the grant to the City of the said right-of-way being placed, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-404 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. 296 by:

- a) Striking from the City Plan and abandoning a portion of a certain fifty feet wide, seventy-five feet wide, and sixty feet wide right-of-way for construction, reconstruction, repairs, and maintenance of sewers which extends northwardly and northeastwardly from a point on the northwesterly side of Shawmont Avenue, approximately one-thousand two-hundred sixty-three feet southwest of Cross Street, to a point southwesterly of said Cross Street, approximately eight-hundred twenty-six feet northwest of said Shawmont Avenue, the said portion being stricken and abandoned extending from the said northwesterly side of Shawmont Avenue to a point approximately five-hundred eight feet northwardly therefrom.
- b) Placing on the City Plan a fifty feet wide and variable width right-of-way for drainage purposes and water main purposes located on the northwesterly side of Shawmont Avenue, approximately one-thousand two-hundred twenty-one feet southwest of Cross Street, and extending northwardly approximately four-hundred seventy-six feet to the proposed terminus of the existing right-of-way for construction, reconstruction, repairs, and maintenance of sewers as described in and being revised by authority of Section 1(a) herein.

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

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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 owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage purposes and water main purposes authorized 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 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.
- 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. 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 and water main purposes authorized in Section 1(b) 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 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council