

# City of Philadelphia



(Bill No. 230853)

## AN ORDINANCE

Authorizing the striking from City Plan Nos. 98 and 130 and vacating of Busti Street, extending northwardly from Holden Street to a cul-de-sac, and Holden Street, extending westwardly from Powelton Avenue to a cul-de-sac, 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 hereby authorized to strike from City Plan Nos. 98 and 130 and vacate Busti Street, extending northwardly from Holden Street to a cul-de-sac, and Holden Street, extending westwardly from Powelton Avenue to a cul-de-sac. This Ordinance authorizes the Board of Surveyors to reserve and place on the City Plan rights-of-way for water, sewer, and drainage purposes such as may be necessary, within the lines of Busti Street and Holden 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 ten (10) years from the date this Ordinance becomes law:

a) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) 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 agreement and a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, to release 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 party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Water Department, to cover the cost of any work which may be necessary in the judgment of the Water Department by reason of the City Plan changes authorized herein; and

d) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid rights-of-way for water, sewer, and drainage purposes authorized in Section 1 of this Ordinance, if such rights-of-way are determined to be necessary. 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 rights-of-way or abutting thereon, unless

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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.

e) 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. 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 14, 2023. The Bill was Signed by the Mayor on December 20, 2023.



Michael A. Decker  
Chief Clerk of the City Council