

# City of Philadelphia



(Bill No. 040552)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 107 bounded by Forty-sixth Street, Forty-seventh Street, Fairmount Avenue and Westminster Avenue, 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 No. 107 bounded by Forty-sixth Street, Forty-seventh Street, Fairmount Avenue and Westminster Avenue by:

- (a) Striking from the City Plan and vacating May Street from Brown Street to a dead-end northwardly therefrom.
- (b) Striking from City Plan and vacating June Street from Parrish Street to Westminster Avenue.
- (c) Place on the City Plan a right-of-way for drainage purposes adjacent to the easterly side of Forty-seventh Street between Fairmount Avenue and Aspen Street.

**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.

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- (c) The party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the Law Department, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, water pipe, fire hydrants, sewers, inlets and manholes, street light poles and equipment, and to other City structures either overhead, underground or upon the surface, including the relocation, abandonment, repairing, reconstruction, cutting and sealing of 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 all existing City-owned street lighting poles and equipment and for their delivery to the storage yard of the Street Lighting Division at 701 Ramona Avenue at no cost to the City. The agreement shall provide for the removal of salvageable hydrants, valves, manhole covers, frames and connections, as determined by the Water Department, and for their delivery to the storage yard of the Water Department located at Twenty-ninth Street and Cambria Street at no cost to the City. The agreement 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 for their 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 of Philadelphia the aforesaid right-of-way described in Section 1(c) 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 City of Philadelphia. 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 to occupy the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and structures.
- (e) 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.



Patricia Rafferty  
Chief Clerk of the City Council