



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 060964  
(As Amended, 2/7/07)**

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**Introduced December 14, 2006**

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**Councilmember Clarke**

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**Re-Referred to the  
Committee on Rules**

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**AN ORDINANCE**

Authorizing the revision of lines and grades on a portion of City Plan No. 58 by striking from the City Plan and vacating Melon Street from Ridge Avenue to Thirteenth Street and by reserving and placing on the City Plan a right-of-way for drainage and water main purpose, by striking from the City Plan and vacating a portion of Park Avenue and abandoning a certain right-of-way for drainage and water main purposes, all 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 and directed to revise the lines and grades on a portion of City Plan No. 58 by:

- (a) Striking and abandoning an 18' wide and 19' wide right-of-way for drainage purposes and water main purposes from Broad Street and Ridge Avenue to 13<sup>th</sup> Street.
- (b) Striking from the City Plan and vacating Melon Street from Ridge Avenue to 13th Street.
- (c) Striking from the City Plan and vacating Park Avenue from Wallace Street to Melon Street.
- (d) Reserving and placing a certain 30' right-of-way for drainage purposes and water main purposes within a portion of the bed of former Park Avenue being stricken from the City Plan under authority of this ordinance.

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- (e) Placing a certain 30' wide right-of-way for drainage purposes and water main purposes from 13<sup>th</sup> Street to the head of the Right-of-Way cited above.

**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 locate any owner or owners of property affected and has been unable to do so, the party in interest shall file an 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, agreeing 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 of the City Plan changes authorized by this Ordinance.
- (d) The party in interest shall file a bond with corporate surety, satisfactory to the Law Department, and in amount satisfactory to the Department of Streets, to cover the cost of the work required under Section 2(c).

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- (e) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for drainage purposes and water main purposes in Section 1(d) and 1(e) 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 rights-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Philadelphia 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.
- (f) 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 twenty (120) days after this Ordinance becomes law.

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