



City of Philadelphia

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

BILL NO. 080252

Introduced March 6, 2008

Councilmember DiCicco

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing and directing the revision of curb lines and grades on a portion of City Plan No. 97 by relocating the easterly curb line of Broad street approximately nine feet six inches eastwardly, from a point approximately seventy-seven feet one inch south of the south curb line of Fitzwater street to a point approximately one hundred twelve feet two inches south of the south curb line of Fitzwater street, 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 authorized and directed to revise the curb lines and grades on a portion of City Plan No. 97 by relocating the easterly curb line of Broad street approximately nine feet six inches eastwardly from a point approximately seventy-seven feet one inch south of the south curb line of Fitzwater street to a point approximately one hundred twelve feet two inches south of the south curb line of Fitzwater street.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one year from the date of approval of this Ordinance:

(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 change authorized herein; in lieu thereof 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 and indemnify the City from all damages or claims for damages which may arise by reason of the City Plan change authorized herein.

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(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, gas mains, subway vents, 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, Department of Public Property, Philadelphia Gas Works and Water Department by reason of the City Plan changes authorized herein. All plans must be submitted to departments and agencies concerned and be approved by them before the start of construction. The agreement shall also provide for the removal of salvageable hydrants, valves, manhole covers, frames and connections and delivery to the Water Department 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 and delivery to the Water Department 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 a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of the work required under subsection (c).

(e) The filing of an agreement, satisfactory to the Law Department by the party-in-interest, to relocate the curb line and footway of said Broad street to its physical location and condition as existed immediately prior to the passage of this Ordinance. Such relocation shall be performed by the party-in-interest its heirs or assigns, without cost or expense to the City; said party-in-interest shall further agree to release and hold harmless the City from any and all claims for damages which may arise from said relocation. Relocation of Broad street shall be required by the City within one hundred eighty days after written notice to the party-in-interest, said notice to be given only after passage of an Ordinance by City Council authorizing the revision of curb lines and grades of Broad street.

(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 (\$200.00) dollars, toward costs thereof, is paid into the City Treasury within sixty days after the approval of this Ordinance.