



# City of Philadelphia

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

**BILL NO. 040206**

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**Introduced March 11, 2004**

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**Councilmember Krajewski**

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

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## **AN ORDINANCE**

Authorizing the Commissioner of Public Property and the President of the Fairmount Park Commission to grant various temporary construction easements and a permanent easement to the Commonwealth of Pennsylvania, Department of Transportation ("PENNDOT") for the reconstruction and repair of portions of Interstate 95 bounded by Linden Street on the north, under and subject to certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** The Commissioner of Public Property is hereby authorized to grant a temporary construction easement to PENNDOT for construction, access and laydown for the reconstruction and repair of portions of Interstate 95 bounded by Linden Street on the north, for a term of no more than four (4) years, as described herein as follows:

TEMPORARY CONSTRUCTION EASEMENT on the west side of SR 0095 for construction, access, and laydown on a tract of land of the City of Philadelphia, Department of Welfare, situate in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 9.

BEGINNING at a point on the westerly Legal Right of Way Line of SR 0095, Section RS3, said point being located thirty-three and five tenth meters (33.5m) left and at right angles from the SR 0095 construction centerline station twenty-two plus zeros (22+000.0); THENCE along said right of way line and continuing the following two (2) courses and distances: (1) South fifty-three degrees eighteen minutes twenty-seven seconds West (S53°18'27"W) a distance of eight and seven tenths meters (8.7m) to a point, (2) South thirty-seven degrees thirty-nine minutes thirty-nine seconds East (S37°39'39"E) a distance of three meters (3.0m) to a

# City of Philadelphia

*BILL NO. 040206 continued*

point; THENCE along said right of way line along a circular curve to the left having a radius of seven-hundred one and two tenths meters (701.2m), an arc distance of one-hundred ninety-nine and one tenth meters (199.1m) and a chord bearing of South forty-five degrees forty-six minutes twenty-four seconds West (S45°46'24"W), a chord distance of one-hundred ninety-eight and five tenths meters (198.5m) to a point, said point being located thirty and five tenths meters (30.5 m) left and at right angles from the SR 0095 construction centerline station twenty-one plus eight-hundred (21+800.0), THENCE leaving said right of way line and continuing the following five (5) courses and distances: (1) North fifty-two degrees five minutes forty-three seconds West (N52°05'43"W) a distance of twenty-three and five tenths meters (23.5m) to a point, said point being located fifty-four meters (54.0m) left and at right angles from the SR 0095 construction centerline station twenty-one plus eight-hundred (21+800.0); (2) North sixteen degrees forty-five minutes twenty-four seconds West (N16°45'24"W) a distance of twenty-five and six tenths meters (25.6m) to a point, said point being located seventy-five meters (75.0m) left and at right angles from the SR 0095 construction centerline station twenty-one plus eight-hundred thirteen and three tenths (21+813.3); (3) North fifty-three degrees eleven minutes twenty-two seconds East (N53°11'22"E) a distance of one-hundred twenty and seven tenths meters (120.7m) to a point, said point being located fifty-five meters (55.0m) left and at right angles from the SR 0095 construction centerline station twenty-one plus nine-hundred twenty-one and nine tenths (21+921.9); (4) North fifty-seven degrees two minutes thirty-two seconds East (N57°02'32"E) a distance of eighty-two and four tenths meters (82.4m) to a point, said point being located forty-six meters (46.0m) left and at right angles from the SR 0095 construction centerline station twenty-two plus zeros (22+000.0); (5) South thirty-seven degrees twenty-seven minutes thirty-five seconds East (S37°27'35"E) a distance of twelve and five tenths meters (12.5m) to the POINT OF BEGINNING.

CONTAINING 1.4468 acres or 0.5855 hectares.

**SECTION 2.** The Commissioner of Public Property is hereby authorized to grant a temporary construction easement to PENNDOT for construction and access for the reconstruction and repair of portions of Interstate 95 bounded by Linden Street on the north, for a term of no more than four (4) years, as described herein as follows:

TEMPORARY CONSTRUCTION EASEMENT on the east side of SR 0095 for construction and access through a tract of land of the City of Philadelphia situate in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 17.

# City of Philadelphia

*BILL NO. 040206 continued*

BEGINNING at a point on the easterly Legal Right of Way Line of SR 0095, Section RS3, said point being located twenty-four and four tenths meters (24.4 m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred twelve (21+312.0), THENCE along said right of way line along a circular curve to the left having a radius of six-hundred twenty-three and one tenth meters (623.1m), an arc distance of thirty-two and six tenths meters (32.6m) and a chord bearing of North nineteen degrees thirty-six minutes forty-two seconds East (N19°36'42"E), a chord distance of thirty-two and six tenths meters (32.6m) to a point, said point being located twenty-four and four tenths meters (24.4m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred forty-three and three tenths (21+343.3); THENCE leaving said right of way line and continuing the following six (6) courses and distances: (1) South seventy-one degrees fifty-three minutes nine seconds East (S71°53'09"E) a distance of six and nine tenths meters (6.9m) to a point, said point being located thirty-one and three tenths meters (31.3m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred forty-three and three tenths (21+343.3); (2) South twenty-three degrees thirty-six minutes twenty-one seconds East (S23°36'21"E) a distance of forty-two and one tenth meters (42.1m) to a point, said point being located sixty and one tenth meters (60.1m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred fourteen and seven tenths (21+314.7); (3) South twenty-three degrees twenty-eight minutes twenty-three seconds East (S23°28'23"E) a distance of ten and one tenth meters (10.1m) to a point, said point being located sixty-seven and two tenths meters (67.2m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred eight and two tenths (21+308.2); (4) South thirty-seven degrees zero minutes thirty-three seconds East (S37°00'33"E) a distance of fifteen meters (15.0m) to a point, said point being located eighty meters (80.0m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred one and three tenths (21+301.3); (5) South fifty-two degrees eleven minutes two seconds West (S52°11'02"W) a distance of eighteen and three tenths meters (18.3m) to a point, said point being located seventy-one meters (71.0m) right and at right angles from the SR 0095 construction centerline station twenty-one plus two-hundred eighty-seven and one tenth (21+287.1); (6) North thirty-seven degrees forty-two minutes fifty-four seconds West (N37°42'54"W) a distance of fifty-three and eight tenths meters (53.8m) to the POINT OF BEGINNING.

CONTAINING 0.3585 acres or 0.1451 hectares.

TEMPORARY CONSTRUCTION EASEMENT on the west side of SR 0095 for construction and access through a tract of land of the City of Philadelphia situate

# City of Philadelphia

*BILL NO. 040206 continued*

in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 17.

BEGINNING at a point on the westerly Legal Right of Way Line of SR 0095, Section RS3, said point being located twenty-three and one tenth meters (23.1m) left and at right angles from the SR 0095 construction centerline station twenty-one plus four-hundred twenty-nine and five tenths (21+429.5); THENCE along said right of way line and continuing the following two (2) courses and distances: (1) South fifteen degrees fifty-three minutes thirty-four seconds West (S15°53'34"W) a distance of twelve and eight tenths meters (12.8m) to a point, (2) South fifty-two degrees twenty-four minutes thirty-seven seconds West (S52°24'37"W) a distance of two and two tenths meters (2.2m) to a point; THENCE along said right of way line along a circular curve to the right having a radius of five-hundred seventy-four and four tenths meters (574.4m), an arc distance of seventy and seven tenths meters (70.7m) and a chord bearing of South sixteen degrees fifteen minutes thirty-four seconds West (S16°15'34"W), a chord distance of seventy and seven tenths meters (70.7m) to a point, said point being located twenty-four and four tenths meters (24.4 m) left and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred forty-three and three tenths (21+343.3), THENCE leaving said right of way line and continuing the following two (2) courses and distances: (1) North thirty-seven degrees thirty-nine minutes fifty-six seconds West (N37°39'56"W) a distance of forty-nine and three tenths meters (49.3m) to a point, said point being located sixty-four and five tenths meters (64.5m) left and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred seventy-three and five tenths (21+373.5); (2) North fifty-two degrees twenty-four minutes nine seconds East (N52°24'09"E) a distance of sixty-nine and six tenths meters (69.6m) to the POINT OF BEGINNING.

CONTAINING 0.4218 acres or 0.1707 hectares.

**SECTION 3.** The Commissioner of Public Property is hereby authorized to grant a permanent easement to PENNDOT, which shall include an easement in the air for the accommodation of the elevated highway structure unlimited in vertical dimension above the structure, a surface easement unlimited in vertical dimension for the accommodation of piers and other appurtenances and a temporary easement for construction purposes including the storage of materials during construction for the entire area, as described herein as follows:

EASEMENT for SR 0095 through a tract of land of the City of Philadelphia situate in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 17. The easement shall

# City of Philadelphia

*BILL NO. 040206 continued*

include an easement in the air for the accommodation of the elevated highway structure unlimited in vertical dimension above the structure, a surface easement unlimited in vertical dimension for the accommodation of piers and other appurtenances and a temporary easement for construction purposes including the storage of materials during construction for the entire area. The following limitations shall be imposed on the property beneath the area affected by the easement. 1.) No use shall be made of the property which shall endanger the structure or the health, safety or welfare of the traveling public. 2.) No flammable, explosive, dangerous or hazardous material shall be used, placed or stored on the property. 3.) No building or other facility shall be constructed on the property without prior authority of the Department of Transportation. If and when such authority is granted, the plans for the building or facility and construction methods shall be subject to the approval of the Department of Transportation. 4.) No interference shall be made with the right of the Department of Transportation to enter upon the property for the purposes of inspection, maintenance, repair, painting, reconstruction or alteration of the structure or appurtenances. Moveable items may have to be removed by the owner during some or all of the above operations. 5.) Any substantial change in property use to be made subsequent to the acquisition of the easement shall be subject to the approval of the Department of Transportation.

BEGINNING at a point on the easterly Legal Right of Way Line of SR 0095, Section RS3, said point being located twenty-four and four tenths meters (24.4 m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred forty-three and three tenths (21+343.3), THENCE along said right of way line along a circular curve to the right having a radius of six-hundred twenty-three and one tenth meters (623.1m), an arc distance of thirty-two and six tenths meters (32.6m) and a chord bearing of South nineteen degrees thirty-six minutes forty-two seconds West (S19°36'42"W), a chord distance of thirty-two and six tenths meters (32.6m) to a point, said point being located twenty-four and four tenths meters (24.4m) right and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred twelve (21+312.0); THENCE leaving said right of way line and continuing the following two (2) courses and distances: (1) North thirty-seven degrees forty-two minutes twenty-three seconds West (N37°42'23"W) a distance of fifty-eight meters (58.0m) to a point in the westerly Legal Right of Way Line of SR 0095, Section RS3, said point being located twenty-four and four tenths meters (24.4m) left and at right angles from the SR 0095 construction centerline station twenty-one plus three-hundred forty-three and three tenths (21+343.3); (2) South seventy-one degrees fifty-three minutes nine seconds East (S71°53'09"E) a distance of forty-eight and eight tenths meters (48.8m) to the POINT OF BEGINNING and extending upward from a plane located sixty-five hundredths of a meter (0.65m)

# City of Philadelphia

*BILL NO. 040206 continued*

below the lowest structural steel support and extending horizontally across the width of the structure as indicated on the plans.

CONTAINING 0.1974 acres or 0.0799 hectares.

**SECTION 4.** The Commissioner of Public Property and the President of the Fairmount Park Commission are hereby authorized to grant a temporary construction easement to PENNDOT for construction, access and placement of rock stabilization for the reconstruction and repair of portions of Interstate 95, bounded by Linden Street on the north, for a term of no more than four (4) years, as described herein as follows:

TEMPORARY CONSTRUCTION EASEMENT on the east side of SR 0095 for construction and access through a tract of land of the City of Philadelphia, Fairmount Park Commission, situate in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 7.

BEGINNING at a point on the easterly Legal Right of Way Line of SR 0095, Section RS3, said point being located twenty-eight and six tenths meters (28.6 m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred forty-four and one tenth (21+544.1), THENCE along said right of way line North fifty-two degrees one minute twenty-seven seconds East (N52°01'27"E) a distance of thirteen and seven tenths meters (13.7m) to a point, said point being located thirty-six and six tenths meters (36.6m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred fifty-five and six tenths (21+555.6); THENCE along said right of way line a circular curve to the right having a radius of six-hundred thirty-four and one tenth meters (634.1m), an arc distance of eighteen and three tenths meters (18.3m) and a chord bearing of North seventeen degrees fifty-one minutes twenty-two seconds East (N17°51'22"E), a chord distance of eighteen and three tenths meters (18.3m) to a point, said point being located thirty-six and six tenths meters (36.6m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred seventy-five (21+575.0); THENCE leaving said right of way line and continuing the following six (6) courses and distances: (1) North forty-seven degrees fifty-eight minutes three seconds East (N47°58'03"E) a distance of fifteen and six tenths meters (15.6m) to a point, said point being located forty-four and one tenth meters (44.1m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred eighty-nine and six tenths (21+589.6); (2) North forty-three degrees thirty-one minutes fifty-three seconds East (N43°31'53"E) a distance of fifty-one and nine tenths meters (51.9m) to a point, said point being located sixty-three and zero tenth meters

# City of Philadelphia

*BILL NO. 040206 continued*

(63.0m) right and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred forty-two and one tenth (21+642.1); (3) North fifty-two degrees thirty minutes thirteen seconds East (N52°30'13"E) a distance of forty and five tenths meters (40.5m) to a point, said point being located eighty-one and zero tenths meters (81.0m) right and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred eight-two and eight tenths (21+682.8); (4) North eighteen degrees seventeen minutes one second East (N18°17'01"E) a distance of twenty-three and six tenths meters (23.6m) to a point, said point being located seventy-six and six tenths meters (76.6m) right and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred nine and one tenth (21+709.1); (5) North fifteen degrees forty-eight minutes nineteen seconds West (N15°48'19"W) a distance of thirty and three tenths meters (30.3m) to a point, said point being located fifty-four and five tenths meters (54.5m) right and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred thirty-two (21+732.0); (6) North thirty-four degrees twenty-three minutes thirty-seven seconds West (N34°23'37"W) a distance of twenty-six and one tenth meters (26.1m) to a point, said point being on the easterly Legal Right of Way Line of SR 0095, Section RS3, and located thirty and five tenths meters (30.5m) right and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred forty-two and nine tenths (21+742.9); THENCE along said right of way line a circular curve to the right having a radius of six-hundred forty and two tenths meters (640.2m), an arc distance of eight and zero tenths meters (8.0m) and a chord bearing of North thirty-three degrees twenty-three minutes nine seconds East (N33°23'09"E), a chord distance of eight and zero tenths meters (8.0m) to a point, said point being located thirty and five tenths meters (30.5m) right and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred fifty-one and three tenths (21+751.3); THENCE leaving said right of way line and continuing the following five (5) courses and distances: (1) South fifty-three degrees twenty-three minutes fifteen seconds East (S53°23'15"E) a distance of sixteen and seven tenths meters (16.7m) to a point, said point being located forty-seven and two tenths meters (47.2m) right and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred fifty and four tenths (21+750.4); (2) South fifteen degrees forty-seven minutes forty-four seconds East (S15°47'44"E) a distance of sixty-six and six tenths meters (66.6m) to a point, said point being located ninety-six and two tenths meters (96.2m) right and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred ninety-nine and eight tenths (21+699.8); (3) South fifty-two degrees twenty-seven minutes forty-nine seconds West (S52°27'49"W) a distance of fifty-nine and six tenths meters (59.6m) to a point, said point being located seventy and three tenths meters (70.3m) right and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred thirty-eight

# City of Philadelphia

*BILL NO. 040206 continued*

and five tenths (21+638.5); (4) South forty-three degrees twenty-eight minutes fifty-eight seconds West (S43°28'58"W) a distance of fifty and five tenths meters (50.5m) to a point, said point being located fifty-one and seven tenths meters (51.7m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred eighty-six and eight tenths (21+586.8); (5) South thirty-four degrees fourteen minutes forty-seven seconds West (S34°14'47"W) a distance of eighteen and eight tenths meters (18.8m) to a point on the northerly Legal Right of Way Line of SR 1007 (State Road), said point being located forty-six and seven tenths meters (46.7m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred sixty-seven and two tenths (21+567.2); THENCE along said right of way line and continuing the following two (2) courses and distances: (1) South fifty-two degrees twelve minutes fifty-seven seconds West (S52°12'57"W) a distance of eighteen and five tenths meters (18.5m) to a point, said point being located thirty-six and one tenth meters (36.1m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred fifty-one (21+551.0); (2) South fifty-two degrees seven minutes thirty-six seconds West (S52°07'36"W) a distance of nine and seven tenths meters (9.7m) to a point, said point being located thirty and four tenths meters (30.4m) right and at right angles from the SR 0095 construction centerline station twenty-one plus five-hundred forty-two and seven tenths (21+542.7); THENCE leaving said right of way line North thirty-seven degrees twenty-one minutes thirty-six seconds West (N37°21'36"W) a distance of two and two tenths meters (2.2m) to the POINT OF BEGINNING.

CONTAINING 0.481 acres or 0.1945 hectares.

TEMPORARY CONSTRUCTION EASEMENT on the west side of SR 0095 for construction, access and placement of rock stabilization on a tract of land of the City of Philadelphia, Fairmount Park Commission, situate in the City of Philadelphia, Philadelphia County, Commonwealth of Pennsylvania, said tract being PENNDOT Parcel Number 7.

BEGINNING at a point on the westerly Legal Right of Way Line of SR 0095, Section RS3, said point being located thirty and five tenths meters (30.5 m) left and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred thirty-eight (21+738.0), THENCE along said right of way line along a circular curve to the left having a radius of seven-hundred one and two tenths meters (701.2m), an arc distance of twenty-one and one tenth meters (21.1m) and a chord bearing of South thirty-one degrees forty-five minutes zero seconds West (S31°45'00"W), a chord distance of twenty-one meters (21.0m) to a point, said point being located thirty and five tenths meters (30.5m) left and at right angles from the SR 0095 construction centerline station twenty-one plus



# City of Philadelphia

*BILL NO. 040206 continued*

seven-hundred seventeen and nine tenths (21+717.9); THENCE leaving said right of way line and continuing the following six (6) courses and distances: (1) South eighty-eight degrees fifty-six minutes five seconds West (S88°56'05"W) a distance of eighty-three and four tenths meters (83.4m) to a point, said point being located one-hundred two and five tenths meters (102.5m) left and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred seventy-nine and six tenths (21+679.6); (2) North forty-two degrees fifteen minutes thirty-four seconds West (N42°15'34"W) a distance of eighteen and five tenths meters (18.5m) to a point, said point being located one-hundred nineteen and nine tenths meters (119.9m) left and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred eighty-five (21+685.0); (3) North forty-nine degrees forty-three minutes one second East (N49°43'01"E) a distance of eight meters (8.0m) to a point, said point being located one-hundred seventeen meters (117.0m) left and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred ninety-one and three tenths (21+691.3); (4) South seventy-seven degrees eight minutes twenty-six seconds East (S77°08'26"E) a distance of twenty-three and nine tenths meters (23.9m) to a point, said point being located ninety-four meters (94.0m) left and at right angles from the SR 0095 construction centerline station twenty-one plus six-hundred ninety-seven (21+697.0); (5) South eighty-nine degrees forty-three minutes fifty-three seconds East (S89°43'53"E) a distance of twenty-two and one tenth meters (22.1m) to a point, said point being located seventy-four and seven tenths meters (74.7m) left and at right angles from the SR 0095 construction centerline station twenty-one plus seven-hundred six and six tenths (21+706.6); (6) North eighty-three degrees forty-eight minutes twenty-one seconds East (N83°48'21"E) a distance of fifty-five and seven tenths meters (55.7m) to the POINT OF BEGINNING.

CONTAINING 0.3513 acres or 0.1422 hectares.

**SECTION 5.** The City Solicitor is hereby authorized to review and to approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such other terms and provisions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City and to carry out the purposes of this Ordinance.

# City of Philadelphia

*BILL NO. 040206 continued*