



City of Philadelphia

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

BILL NO. 230033

Introduced January 26, 2023

Councilmember Gauthier

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

AN ORDINANCE

Authorizing the vacating of Sloan Street from Ogden Street to its terminus northwardly therefrom and the reserving and plotting upon City Plan No. 106 of a right-of-way for sewer and drainage purposes and public utility purposes within the lines of said Sloan Street being vacated and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

WHEREAS, Sloan Street, from Ogden Street to a terminus northwardly therefrom, was opened for public use by a dedication made on April 11, 1849, but was not plotted on the City Plan;

WHEREAS, the said Sloan Street is not lately in use by public traffic and is not maintained as a City street by the Department of Streets; and

WHEREAS, the abutting property owners have requested that the City vacate its rights in the bed of said Sloan Street; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Board of Surveyors of the Department of Streets is hereby authorized to adopt a resolution and approve a plan vacating Sloan Street from Ogden Street to its terminus northwardly therefrom, within the area designated as City Plan No. 106.

SECTION 2. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby further authorized to reserve and plot upon the said City Plan No. 106 a right-of-way for sewer and drainage purposes and public utility purposes within the lines of said Sloan Street being vacated.

SECTION 3. This authorization is conditional upon compliance with the following requirements within two (2) years from the date this Ordinance becomes law:

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- 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 actions 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 said street vacating authorized herein.

- c) The filing of an agreement, satisfactory to the City Solicitor, by the party in interest, 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 the Water Department by reason of the actions 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 approval by the Board of Surveyors of the actions authorized by this Ordinance.

- d) 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 Department of Streets and the Water Department, to cover the cost of the work required under Section 3(c) herein.

- e) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage

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purposes and public utility purposes authorized in Section 2 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 Water Department and any other public utility which maintains facilities within the right-of-way. 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 and any public utility which maintains facilities with the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

SECTION 4. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid right-of-way for sewer and drainage purposes and public utility purposes authorized in Section 2 herein.

SECTION 5. 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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