

City of Philadelphia



(Bill No. 050132-A)

AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire by condemnation or by purchase in lieu of condemnation a certain underground easement through 3111 West Allegheny Avenue, for sewer and drainage purposes, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to acquire by condemnation or by purchase in lieu of condemnation a certain underground easement through 3111 West Allegheny Avenue, for sewer and drainage purposes. The said easement is more fully described in Exhibit "A" attached hereto.

SECTION 2. The City Solicitor is authorized, if requested by the Commissioner of Public Property, to prepare and file with the appropriate court a Declaration of Taking to acquire by condemnation the property described by this Ordinance and in that regard to take any action necessary or desirable to effectuate this Ordinance. The Commissioner of Public Property is authorized to enter into an agreement upon terms and in form satisfactory to the City Solicitor for the purchase in lieu of condemnation of the property.

SECTION 3. 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 terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

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EXHIBIT "A"

DESCRIPTION OF EASEMENT

That certain fifty-foot (50') wide underground easement, situate in the thirty-eighth (38th) Ward of the City of Philadelphia, and described herein, according to a Plan of Proposed Right of Way, dated February 26, 1996, Plan No. L-339, prepared by the Philadelphia Water Department Survey Unit, 3585 Fox Street, Philadelphia, PA, 19129, as follows:

PARCEL "A"

BEGINNING AT A POINT of intersection of the northerly line of Willard Street (40 feet wide) and the easterly line of 32nd Street (50 feet wide); thence along the northerly line of Willard Street N 78° 39' 00" W a distance of 50.000 feet to a point on the westerly line of 32nd Street produced; thence along the westerly line of 32nd Street produced N 11° 21' 00" E a distance of 157.469 to a point; thence S 84° 52' 06" E a distance of 50.296 feet to a point on the easterly line of 32nd Street produced; thence along the easterly side of 32nd Street produce S 11° 21' 00" W a distance of 162.917 feet to a point of beginning.

PARCEL "B"

BEGINNING AT A POINT of intersection formed by the southerly right-of-way line of the Richmond Branch of the former Philadelphia and Reading Railroad (CXS Transportation) and the easterly line of 32nd Street produced; thence along the easterly line of 32nd Street produced S 11° 21' 00" W a distance of 98.106 feet to a point; thence N 84° 52' 06" W a distance of 50.296 feet to a point on the westerly line of 32nd Street produced; thence along the westerly line of 32nd Street produced N 11° 21' 00" E a distance of 92.152 feet to a point on the southerly the right-of-way line of the Richmond branch of the former Philadelphia and Reading Railroad (CXS Transportation); thence along the southerly right-of-way line of the former Richmond Branch of the Philadelphia and Reading Railroad (CXS Transportation) N 88° 30' 17" E a distance of 51.283 feet to the point of beginning.

The existing surface elevation varies from EL 107.000 feet to EL 97.000 City Datum. The easement shall begin at elevation EL 55.000 City Datum and extend downward to elevation EL 00.000 City Datum. The easement include the rights of access, ingress and

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egress through the area, described in Parcel "A" and Parcel "B" above, in order to access, install, service, maintain, and replace sewer and/or stormwater facilities, and to otherwise exercise the easement rights.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.



Patricia Rafferty
Chief Clerk of the City Council