

# City of Philadelphia



(Bill No. 220945)

## AN ORDINANCE

Authorizing the revision of lines and grades on portions of City Plan Nos. 25-S and 32-S by placing on the City Plan 34th Street from Maiden Lane to Jackson Street, Forten Way from Maiden Lane to Jackson Street, and Jackson Street from 34th Street to Vare Avenue, all under certain terms and conditions, including the dedication to the City of the said beds of 34th Street, Forten Way, and Jackson Street.

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

SECTION 1. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to:

- a) Revise the lines and grades on portions of City Plan No. 25-S by placing 34th Street on the City Plan from Maiden Lane extending southwardly to Jackson Street;
- b) Revise the lines and grades on portions of City Plan No. 25-S by placing Forten Way on the City Plan from Maiden Lane extending southwardly to Jackson Street; and
- c) Revise the lines and grades on portions of City Plan Nos. 25-S and 32-S by placing Jackson Street on the City Plan from 34th Street to Vare Avenue  
Subject to Section 3 below, the authorized locations, configurations and lengths of 34th Street, Forten Way, and Jackson Street are generally shown on that certain Proposed Street Plan, dated October 5, 2022, prepared by Pennoni Associates Inc., attached to this Ordinance as Exhibit “A” and incorporated herein by this reference (the “Roadway Plan”).

SECTION 2. This authorization is conditional upon compliance with the following requirements within ten (10) years from the date this Ordinance becomes law:

- 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 City Plan changes authorized herein; in lieu thereof, only after the party in interest has demonstrated good faith diligent 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 City Plan changes authorized herein;

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c) The dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances (except for those encumbrances approved by the City Solicitor and the terms and conditions of such approval(s)), of the beds of 34th Street, Forten Way, and Jackson Street as proposed to be placed on the City Plan by authority of this Ordinance;

d) In the event that water, sewer or stormwater structures constructed or improved under portions of 34th Street, Forten Way, or Jackson Street are offered for public dedication, such structures shall be constructed in accordance with Water Department regulations and Water Department construction standards and specifications, as the same may be modified by agreement between the party in interest and the Water Department. Any such structures and improvements are subject to approval and acceptance for dedication through a private cost agreement with the Water Department in accordance with the applicable provisions Sections 13-306 and 13-406 of the Philadelphia Code subject to such terms and requirements as the City Solicitor determines are satisfactory;

e) Designated public utility corridors shall be established under portions of 34th Street, Forten Way, and Jackson Street as set forth in this subparagraph e); provided, however, that the widths and depths of those public utility corridors for public water main improvements, public storm sewer improvements, public sanitary sewer improvements and non-Water Department infrastructure shall be designated in an agreement between the City and the party in interest subject to such terms and requirements the City Solicitor determines are satisfactory. Concentrations of target regulated substances located within such designated public utility corridors shall meet either of the following Commonwealth of Pennsylvania applicable standards: (i) the Non-Residential Direct Contact Numeric Values used to determine the Non-Residential medium specific concentrations under Pa. Act 2; or (ii) in the case of lead, the site-specific lead standard. Public utility corridors shall be delineated with a visual barrier comprised of an orange nonwoven geotextile (or as otherwise approved by the Streets Department prior to installation);

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; and

g) 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 any work which may be necessary in the judgment of the Water Department by reason of the City Plan changes authorized herein.

SECTION 3. The Board of Surveyors is hereby authorized to make such modifications to the location, configuration, lengths and widths of 34th Street, Forten Way, or Jackson Street, as the case may be, so long as the same are generally consistent with the Roadway Plan and in compliance with the terms and conditions of this Ordinance. Planning Commission approval is

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required prior to the Board of Surveyors' placement of 34th Street, Forten Way, or Jackson Street on the City Plan and revision of the lines and grades of intersecting and adjacent streets affected.

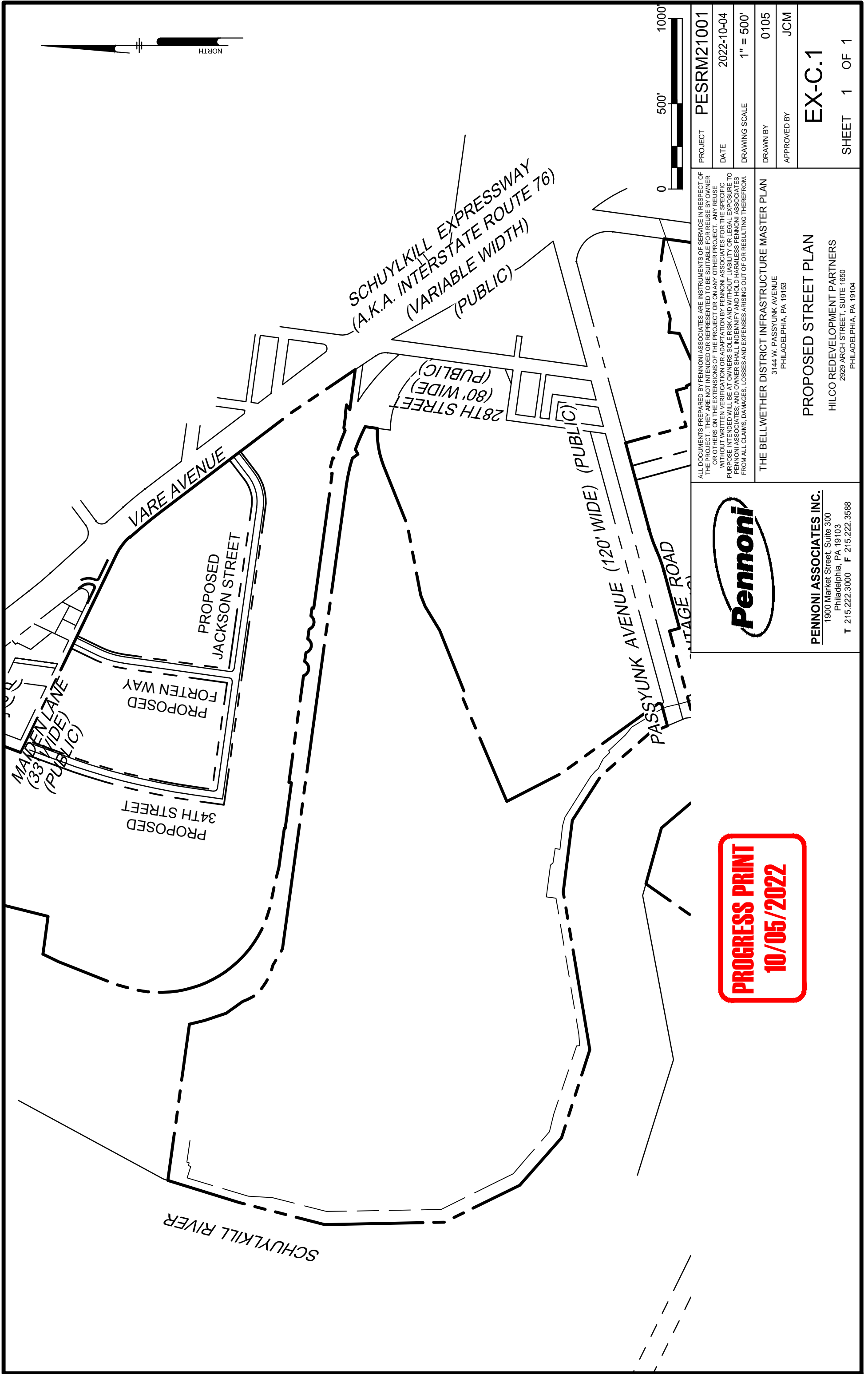
SECTION 4. As provided in Section 11-402(3) of The Philadelphia Code, the grant of authority to place 34th Street, Forten Way, and/or Jackson Street as the case may be, upon the City Plan, authorizes the revisions of the lines and grades of the intersecting and adjacent streets affected.

SECTION 5. Consistent with the Section 11-405 of The Philadelphia Code, the Board of Surveyors may, subject to the terms and conditions of this Ordinance, place 34th Street, Forten Way, and/or Jackson Street on the City Plan either individually (including portions thereof) or together during the ten (10) year period referenced in Section 2 above in order to facilitate the orderly and timely redevelopment of the abutting property.

SECTION 6. The City Solicitor is hereby authorized to review and 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.

SECTION 7. 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.

# Exhibit “A”



ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUBSTITUTES FOR OTHER PROFESSIONAL SERVICES OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

THE BELLWETHER DISTRICT INFRASTRUCTURE MASTER PLAN  
 3144 W. PASSYUNK AVENUE  
 PHILADELPHIA, PA 19153

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**PROGRESS PRINT**  
**10/05/2022**

PROJECT	PESRM21001
DATE	2022-10-04
DRAWING SCALE	1" = 500'
DRAWN BY	0105
APPROVED BY	JCM
<b>EX-C.1</b>	
SHEET 1 OF 1	

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 30, 2023. The Bill was Signed by the Mayor on April 12, 2023.



Michael A. Decker  
Chief Clerk of the City Council