

# City of Philadelphia



(Bill No. 090359)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan Nos. 146 and 271 by striking from the City Plan and vacating Shackamaxon Street from Delaware Avenue southeastwardly to a dead end and reserving and placing on the City Plan a right-of-way for various utility purposes within the lines of Shackamaxon Street being stricken and by relocating portions of the southeasterly curbline of Delaware Avenue from Ellen Street to Shackamaxon Street, all under certain terms and conditions.

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

**SECTION 1.** Pursuant to Section 11-405 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized to revise the lines and grades on a portion of City Plan Nos. 146 and 271 by:

- (a) Striking from the City Plan and vacating Shackamaxon Street from Delaware Avenue southeastwardly approximately one-hundred fifty-eight feet to a dead end at former Penn Street.
- (b) Reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of Shackamaxon Street being stricken from the City Plan by authority of this Ordinance.
- (c) Relocating portions of the southeasterly curbline of Delaware Avenue from Ellen Street to Shackamaxon Street to facilitate traffic movement and increase pedestrian safety.

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

- (a) The filing of an agreement, satisfactory to the City Solicitor, 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 changes 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 bond with corporate surety, satisfactory to the City Solicitor, to indemnify 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 party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the City Solicitor, 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 City Plan changes 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 confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- (d) The party requesting changes to the City Plan hereunder shall file a bond, with corporate surety, satisfactory to the City Solicitor, and in an amount satisfactory to the Department of Streets, to cover the cost of the work required under Section 2(c).
- (e) 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 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 11, 2009. The Bill was Signed by the Mayor on June 24, 2009.



Patricia Rafferty  
Chief Clerk of the City Council