

City of Philadelphia



(Bill No. 150816)

AN ORDINANCE

Authorizing the striking from City Plan No. 187 of a certain right-of-way reserved for water main purposes and gas main purposes in the area lying southwest of Butler Street and northwest of Aramingo Avenue and the plotting upon the said City Plan of a new right-of-way for water main purposes and gas main purposes in an alternate location within the same area and authorizing acceptance of the grant to the City of the said right-of-way being plotted, 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 hereby authorized to make certain changes affecting the lines of City utility rights-of-way on a portion of City Plan No. 187, in the area lying southwest of Butler Street and northwest of Aramingo Avenue, by:

- a) Striking from the City Plan and abandoning a portion of a certain fifty feet wide right-of-way reserved for water main purposes and gas main purposes which extends within the lines of former Tulip Street from a point on the southwesterly side of Butler Street, approximately four-hundred seventeen feet northwest of Aramingo Avenue, southwestwardly to the present northeasterly terminus of said Tulip Street, the said portion to be stricken extending from said Butler Street to a point approximately two-hundred forty-five feet southwestwardly therefrom.
- b) Plotting on the City Plan a thirty feet wide relocated right-of-way for water main purposes and gas main purposes extending from a point on the said southwesterly side of Butler Street, approximately one-hundred ninety-five feet northwest of Aramingo Avenue, southwestwardly and northwestwardly to the said northeasterly terminus of Tulip Street.

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(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 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

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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.
- 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 water pipe, fire hydrants, sewers, inlets and manholes, 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 Water Department by reason of the City Plan changes authorized herein. 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 City Plan changes authorized by this Ordinance.
- d) The filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the affected rights-of-way. The agreement shall provide that this work be completed within one year from the date of approval by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- e) 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 Water Department, to cover the cost of the work required under Section 2(c) herein.
- f) 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 water main purposes and gas main purposes authorized in Section 1(b) 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 the Gas Works. The agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of City and the Gas Works for the purpose of construction,

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reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

SECTION 3. 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 water main purposes and gas main purposes authorized in Section 1(b) herein.

SECTION 4. 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 December 10, 2015. The Bill was Signed by the Mayor on December 23, 2015.



Michael A. Decker
Chief Clerk of the City Council