

# City of Philadelphia



(Bill No. 200595)

## AN ORDINANCE

Authorizing the revision of lines and grades on portions of City Plan Nos. 32-S, 33-S, 40-S, 47-S, 48-S, and 53-S by placing on the City Plan Frances Harper Drive from Passyunk Avenue to Penrose Avenue, Pollock Street from South 26th Street to Frances Harper Drive, Schuylkill Avenue from Passyunk Avenue extending northwesterly and northeasterly to a cul-de-sac, and Forten Way from Vare Avenue extending southwesterly to a cul-de-sac, including the dedication to the City of the said beds of Frances Harper Drive, Pollock Street, Schuylkill Avenue and Forten Way.

### *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 Nos. 32-S, 40-S, 47-S, 48-S, and 53-S by placing Frances Harper Drive on the City Plan west of 26th Street from Passyunk Avenue Service Road (aka Frontage Road) extending generally southwardly to Penrose Avenue;
- b) Revise the lines and grades on portions of City Plan No. 40-S by placing Pollock Street on the City Plan in the approximate location of former Pollock Street from South 26th Street to Frances Harper Drive;
- c) Revise the lines and grades on portions of City Plan Nos. 32-S, 33-S, and 40-S by placing Schuylkill Avenue on the City Plan from Passyunk Avenue Service Road (aka Frontage Road) extending approximately 1,300 feet northwesterly along the Schuylkill River, continuing approximately 1,900 feet northeasterly, and terminating in a cul-de-sac; and
- d) Revise the lines and grades on portions of City Plan No. 32-S by placing Forten Way on the City Plan from a location on the southbound side of Vare Avenue opposite the intersection of Vare Avenue and Snyder Avenue and extending approximately 800 feet southwesterly and terminating in a cul-de-sac.

Subject to Section 3 below, the authorized locations, configurations and lengths of Frances Harper Drive, Pollock Street, Schuylkill Avenue and Forten Way are generally shown on that certain Conceptual Roadway Plan of the Former PES Site 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:

# City of Philadelphia

BILL NO. 200595 *continued*

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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 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;
- 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 Frances Harper Drive, Pollock Street, Schuylkill Avenue and Forten Way 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 Frances Harper Drive, Pollock Street, Schuylkill Avenue or Forten Way 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 Frances Harper Drive, Pollock Street, Schuylkill Avenue and Forten Way 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 Streets Department 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

# City of Philadelphia

BILL NO. 200595 *continued*

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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 required under this Section 2.

SECTION 3. The Board of Surveyors is hereby authorized to make such modifications to the location, configuration, lengths and widths of Frances Harper Drive, Pollock Street, Schuylkill Avenue or Forten Way, 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.

SECTION 4. As provided in Section 11-402(3) of The Philadelphia Code, the grant of authority to place Frances Harper Drive, Pollock Street, Schuylkill Avenue and/or Forten Way 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 Frances Harper Drive, Pollock Street, Schuylkill Avenue and/or Forten Way 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.

The provisions of Chapter 11-900 of The Philadelphia Code (including regulations promulgated thereunder) to the contrary notwithstanding, the “Typical Section – Type A (4-Lane)”, “Typical Section – Type B (2-Lane)”, and “Typical Section – Type C (2-Lane)” prepared by Dynamic Traffic, LLC, attached to this Ordinance as Exhibits “B”, “C”, and “D” respectfully are hereby approved for Frances Harper Drive, Pollock Street, Schuylkill Avenue and/or Forten Way subject to review and reasonable modification, as may be necessary or appropriate, by the Board of Surveyors. For purposes of clarity:

- (i) “Typical Section – Type A (4-Lane)” is for Segment A of Frances Harper Drive (as hereinafter defined) authorized by Section 1(a) above, and Pollock Street as authorized by Section 1(b) above;
- (ii) “Typical Section – Type B (2-Lane)” is for Segment B of Frances Harper Drive (as hereinafter defined) authorized by Section 1(a) above; and

# City of Philadelphia

BILL NO. 200595 *continued*

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- (iii) “Typical Section – Type C (2-Lane)” is for Schuylkill Avenue as authorized by Section 1(c) above, and Forten Way as authorized by Section 1(d) above.

For purposes of this Ordinance, (a) “Segment A of Frances Harper Drive” means that portion of Frances Harper Drive from Passyunk Avenue Service Road (aka Frontage Road) to approximately 3,300 feet south of the intersection of Pollock Street; and (b) “Segment B of Frances Harper Drive” means that portion of Frances Harper Drive from approximately 3,300 feet south of the intersection of Pollock Street to Penrose Avenue.

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.

# City of Philadelphia

*BILL NO. 200595 continued*

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 10, 2020. The Bill was Signed by the Mayor on January 7, 2021.



Michael A. Decker  
Chief Clerk of the City Council