

Legislation Text

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To Authorize the Water Commissioner on behalf of the City to enter into agreements with the owners of the properties and their successors of private streets known as Thyme lane, Sage lane, Cinnamon drive and Ginger lane and across two properties from Thyme lane to Cinnaminson street within the Cinnamon Hill Townhouses, located at 311 Parker avenue for the grant of rights-of-way to the City for drainage, sewer and water main purposes.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Water Commissioner is hereby authorized to enter into agreement with the owners and their successors of private streets known as Thyme lane, Sage lane, Cinnamon drive and Ginger lane and across two properties from Thyme lane to Cinnaminson street within the Cinnamon Hill Townhouses, located at 311 Parker avenue for the grant of rights-of-way to the City for drainage, sewer and water main purposes.

SECTION 2. The agreement shall be prepared by the City Solicitor in a form substantially as follows:

“AGREEMENT

THIS AGREEMENT, made this _____ day of _____ 200 , by and between, **HARVEY / WIND Corporation, a Pennsylvania Corporation**, the record owner of a certain Property on **311 PARKER AVENUE** in the 21st Ward, Philadelphia, Pennsylvania, hereinafter called “Owner”, and **THE CITY OF PHILADELPHIA**, hereinafter called “City”;

WITNESSETH:

WHEREAS, the Council of the City of Philadelphia has adopted an Ordinance authorizing and directing the placing on the City Plan certain rights-of-way for drainage, sewer and water main purposes under certain terms and conditions (the “Ordinance”), a true and correct copy of which Ordinance is attached hereto and made a part hereof; and

WHEREAS, the parties desire to enter into an agreement in accordance with the Ordinance;

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. Owner, for himself, his successors and assigns, covenants and agrees to release the City, all its officers, employees, agents, departments and commissions, from all damages or claims for damages which can, may or might arise by reason of the City Plan changes authorized by the Ordinance.
2. Owner has granted, bargained and sold and by these presents does grant, bargain and sell

unto the City, its successors and assigns, the full, free and uninterrupted use, liberty and privilege of right-of-way for water main purposes over, under, along and in the following premises, to wit :

PARCEL "A"

ALL THAT CERTAIN LOT OR PIECE of ground situate in Cinnamon Hill Townhouses at Parker avenue in the City of Philadelphia, Commonwealth of Pennsylvania designated as 42.99 feet wide water and sewer Right of Way and being described as follows to wit:

BEGINNING at a point located in Southeasterly Right of Way line of Thyme Lane (variable width) thence extending through lands of Lot 35 partially along the face of wall of building on Lot 35 South 28 degrees 56 minutes 00 seconds East a distance of 28.15 feet to a point; thence continuing through lands of Lot 35 and Lot 27 South 03 degrees 58 minutes 14 seconds East a distance of 61.61 feet to a point the Northeasterly corner of a building on Lot 27; thence along the face of wall of said building South 28 degrees 56 minutes 00 seconds East a distance of 36.00 feet to a point located in the Northwesterly Right of Way line of Cinnaminson Street (50 feet wide); thence along said Northwesterly Right of Way line of Cinnaminson Street South 61 degrees 04 minutes 00 seconds West a distance of 33.83 feet to a point a corner of 20 feet wide augmenting to the lands of Cinnamon Hill Townhouses; thence along said 20 feet wide Road Easement North 59 degrees 37 minutes 00 seconds West a distance of 17.96 feet to a point; thence crossing said 20 feet wide Road Easement and extending through lands of Lot 36 the following two (2) courses and distances : 1) North 03 degrees 58 minutes 14 seconds West a distance of 61.61 feet to a point, 2) North 28 degrees 56 minutes 00 seconds West a distance of 46.84 feet to a point located in aforesaid Southeasterly Right of Way line of Thyme Lane; thence along said Right of Way line of Thyme Lane the following two (2) courses and distances; 1) along an arc of a circle curving to the left having a radius of 40.00 feet arc distance of 50.87 feet chord bearing South 82 degrees 30 minutes 12 seconds East, chord distance of 47.51 feet to a point of tangency, 2) North 61 degrees 04 minutes 00 seconds East a distance of 4.76 feet to the first mentioned point and place of BEGINNING. Containing in area 0.1290 Acres of land more or less.

PARCEL "B"

ALL THAT CERTAIN LOT OR PIECE of ground situated in Cinnamon Hill Townhouses at Parker Avenue, Commonwealth of Pennsylvania designated as 50 feet wide Water and Sewer Right of Way and being described as follows to wit :

BEGINNING at a point located in the bed of Silverwood street (64 feet wide, not legally open) in the Easterly Right of Way line of Parker Avenue (50 feet wide) said point being located from the intersection of said Easterly Right of Way line of Parker Avenue with the Southwesterly Right of Way line of said Silverwood Street (64 feet Wide) North 42 degrees 59 minutes 36 seconds East a distance of 8.27 feet;

thence from said BEGINNING point extending along said Easterly Right of Way line of Parker Avenue the following two (2) courses and distances: 1) North 42 degrees 59 minutes 36 seconds East a distance of 89.53 feet to a point of curvature, 2) along an arc of a circle curving to the right having a radius of 2967.58 feet arc distance of 48.25 feet, chord bearing North 43 degrees 27 minutes 33 seconds East, chord distance of 48.25 feet to a point; thence leaving said Parker Avenue Right of Way line and extending through Ginger Lane Right of Way North 64 degrees 26 minutes 02 seconds East a distance of 30.77 feet to a point; thence continuing through said Ginger Lane Right of Way and through lands of Lot 66 South 25 degrees 33 minutes 58 seconds East a distance of 50.00 feet to a point; thence continuing through said lands of Lot 66 and extending through lands of Lot 65 and 64, also crossing back through Ginger Lane Right of Way and bed of Silverwood street (64 feet wide, not legally open) South 64 degrees 26 minutes 02 seconds West a distance of 159.16 feet to the first mentioned point and place of BEGINNING. Containing in area 0.1095 Acres of land more or less.

PARCEL "C"

ALL THAT CERTAIN LOT OR PIECE of ground situate in Cinnamon Hill Townhouses at Parker Avenue in Philadelphia, Commonwealth of Pennsylvania designated as Water and Sewer Right of Way (variable width) and be described as follows to wit:

BEGINNING at a point located in the Easterly Right of Way line of Parker Avenue (50 feet wide) said point being located from the intersection of said Easterly Right of Way line of Parker Avenue with the Northeasterly Right of Way line of Silverwood Street (64 feet wide, not legally open) the following three (3) courses and distances: 1) North 42 degrees 59 minutes 36 seconds East a distance of 20.23 feet to the point of curvature, 2) along an arc of a circle curving to the right having a radius of 2967.58 feet arc distance of 203.02 feet, chord bearing North 44 degrees 5|1013| minutes 12 seconds East, chord distance 202.98 feet to a point of reverse curve, 3) along an arc of a circle curving to the left having radius of 3017.58 feet, arc distance of 64.93 feet, chord bearing North 46 degrees 17 minutes 48 seconds East, chord distance 64.93 feet to the point of BEGINNING; thence from said BEGINNING point continuing along said Easterly Right of Way line of Parker Avenue along an arc of a circle curving to the left having a radius of 3017.58 feet, arc distance of 50.01 feet, chord bearing North 45 degrees 12 minutes 20 seconds East, chord distance 50.01 feet to a point; thence leaving said Parker Avenue Right of Way line and extending through the lands of Lot 1 and Lots 4, 5 and 6 South 45 degrees 51 minutes 12 seconds East a distance of 151.68 feet to a point; thence through the lands of lots 7 to 19 South 34 degrees 51 minutes 00 seconds East a distance of 324.88 feet to a point; thence extending through lands of lots from Lot 28 to Lot 35 South 61 degrees 04 minutes 00 seconds West a distance of 205.28 feet to a point of curvature; thence through land of Lots 36, 37, 38 and 39 along an arc of a circle curving to the right having a radius of 48.00 feet, arc distance of 111.11 feet, chord bearing North 52 degrees 37 minutes

1|10|13| seconds West, chord distance of 87.91 feet to a point; thence North 78 degrees 46 minutes 48 seconds East a distance of 9.02 feet to a point located in Right of Way line of Thyme Lane (variable width); thence along said Right of Way line of Thyme Lane the following two (2) courses and distances: 1) along an arc of a circle curving to the right having a radius of 40.00 feet arc distance of 64.83 feet, chord bearing North 65 degrees 34 minutes 34 seconds East, chord distance 57.97 feet to the point of tangency, 2) South 67 degrees 59 minutes 25 seconds East a distance of 29.88 feet to a point; thence through lands of Lots 41, 42, 43 and 44 North 61 degrees 04 minutes 00 seconds East a distance of 99.94 feet to a point; thence through lands of lots from Lot 44 to Lot 49 North 34 degrees 51 minutes 00 seconds West a distance of 221.14 feet to a point; thence continuing through Lot 49 South 32 degrees 08 minutes 48 seconds West a distance of 63.02 feet to a point; thence through lands of lots from 50 to Lot 56 South 34 degrees 13 minutes 12 seconds West a distance of 159.09 feet to a point of curvature; thence through lands of lots from Lot 57 to Lot 62 along an arc of a circle curving to the right having a radius of 48.00 feet an arc distance of 120.0|10|13| feet, chord bearing North 74 degrees 08 minutes 38 seconds West, chord distance 91.11 feet to a point; thence North 60 degrees 25 minutes 12 seconds East a distance of 9.23 feet to a point located in Right of Way line of Sage Lane (variable width); thence along said Right of Way line of Sage Lane the following two (2) courses and distances: 1) along an arc of a circle curving to the right having radius of 40.00 feet, arc distance of 69.06 feet, chord bearing North 52 degrees 58 minutes 57 seconds East, chord distance of 60.80 feet to a point of reverse curve, 2) along an arc of a circle curving to the left having radius of 40.00 feet arc distance of 15.37 feet, chord bearing South 88 degrees 33 minutes 47 seconds East, chord distance of 15.27 feet to a point; thence extending through lands of Open Space (Lot 67) the following three (3) courses and distances: 1) North 34 degrees 13 minutes 12 seconds East a distance of 112.77 feet to a point, 2) North 32 degrees 08 minutes 48 seconds East a distance of 81.22 feet to a point, 3) North 45 degrees 51 minutes 12 seconds West a distance of 137.58 feet to the first mentioned point and place of BEGINNING. Containing in area 1.1912 Acres of land more or less.

3. Owner for itself, its successors and assigns, hereby grants the right-of-access, ingress, egress and occupancy of the said rights-of-way to and for the City, its officers, agents, employees and contractors, with the necessary equipment and materials, for the construction, reconstruction, maintenance, alteration, repair and inspection of any and all present and future water mains now situated in the said right-of-way or which the said City may hereafter at any time desire to locate therein.

4. It is expressly understood and agreed that the rights and privileges herein granted to the City shall not terminate, cease or diminish unless and until the City may hereafter at any time to locate therein.

5. Owner does for itself, its successors and assigns, covenant and agree that no change in grades or other alterations within the lines of the right-of-way shall be made and that no building and/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 changes of grades, other alterations or structures shall first be submitted to and approved by the Water Department.

6. Owner agrees that this Agreement may be filed of record in the Office of the Department of Records of the City of Philadelphia, the same to be public notice of waiver and release of any and all damages which may be sustained by reason of the City Plan changes authorized by the Ordinance and the grant of the right-of-way described herein.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have caused these presents to be duly executed the day and year first above written.

ATTEST

HARVEY/WIND CORPORATION

WITNESS

DATE

PRESIDENT

SECRETARY

CITY OF PHILADELPHIA
WATER DEPARTMENT

APPROVED AS TO FORM DATE

RICHARD E. ROY
COMMISSIONER”

SECTION 3. The City Solicitor shall include in said agreement such terms and conditions, as he may deem necessary or proper to protect the interest of the City.