

Legislation Text

File #: 060317, **Version:** 0

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 275 by extending Parker Avenue from its current terminus on the northeasterly side of a 66' wide right-of-way for railroad purposes, approximately 66' southwestward to the southwest side of said right-of-way, including the dedication to the City, free and clear of all encumbrances except for a right-of-way for railroad purposes, of the bed of the extension of Parker Avenue.

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 authorized and directed to revise the lines and grades on a portion of City Plan No. 275 by:

- (a) Extending Parker Avenue southwestward from its current terminus on the northeasterly side of a 66' wide right-of-way for railroad purposes, approximately 66' southwestward to the southwest side of said right-of-way.
- (b) Placing the 66' extension of Parker Avenue described in Section 1(a) of this Ordinance on the City Plan.

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 Law Department, 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, provided that, only after the party in interest has demonstrated best efforts to obtain such agreement and such efforts are unsuccessful, in lieu thereof, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.
- (b) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.
- (c) The filing of proof, satisfactory to the Law Department, by the party in interest, that the Pennsylvania Public Utility Commission has approved the grade crossing being created within the extension of Parker Avenue by reason of the City Plan changes authorized herein.
- (d) The filing of proof satisfactory to the Law Department by the party in interest that grade crossing

protective equipment has been approved by the Railroad entity that will operate trains across the bed of the extension of Parker Avenue, as proposed to be placed on the City Plan by the authority of this Ordinance.

- (e) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of constructing the grade crossing protective equipment as approved under Section 2 (d).
- (f) The dedication to the City, without cost and free and clear of all encumbrances except for a right-of-way for railroad purposes, of the bed of the extension of Parker Avenue, as proposed to be placed on the City Plan by the authority of this Ordinance.
- (g) 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. The provisions of The Philadelphia Code, Section 14-2104 (5) (a) (.2) relating to the width of streets shall not apply to the extended Parker Avenue.

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.