

## Legislation Text

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**File #:** 000139, **Version:** 0

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Authorizing the revision of lines and grades on a portion of City Plan No. 376 by striking from the City Plan and vacating a portion of McNulty road and a portion of Meeting House road, by placing on the City Plan a dead end turnaround at the terminus of McNulty road, and at the terminus of Meeting House road, by reserving and placing on the City Plan a right-of-way for drainage, water main and gas main purposes within the beds of Meeting House road and McNulty road being stricken under the authority of this Ordinance, by placing on the City Plan two (2) rights-of-way for drainage purposes and water main purposes and reserving and placing on the City Plan a right-of-way for drainage purposes within a portion of an existing right-of-way for water main purposes, 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 No. 376 by:

- (a) Striking from the City Plan and vacating McNulty road from a point approximately one thousand six hundred ninety-five (1,695) feet southeast of Townsend road to a point approximately one thousand eight hundred eighty-three (1,883) feet northeastwardly therefrom.
- (b) Striking from the City Plan Meeting House road from a point approximately eight hundred thirty-five (835) feet southeast of Townsend road to a point approximately two hundred eighty-three (283) feet southwardly therefrom.
- (c) Placing on the City Plan a dead end turnaround at the terminus of McNulty road.
- (d) Placing on the City Plan a dead end turnaround at the terminus of Meeting House road.
- (e) Reserving and placing on the City Plan a sixty (60) foot wide right-of-way for drainage purposes, water main purposes and gas main purposes within the lines of McNulty road and Meeting House road being stricken from the City Plan and vacated under authority of this Ordinance.
- (f) Placing on the City Plan a thirty-five (35) foot wide right-of-way for drainage purposes and water main purposes lying adjacent to, and abutting the southwestwardly side of an existing twenty-five (25) foot wide right-of-way for water main purposes, extending from former McNulty road southeastwardly approximately three hundred twenty-seven (327) feet.
- (g) Placing on the City Plan a thirty-five (35) foot wide right-of-way for drainage purposes and water main purposes lying adjacent to, and abutting the northerly side of an existing twenty-five (25) foot wide right-of-way for water main purposes, extending from a point approximately three hundred three (303) feet southeastwardly from former McNulty road eastwardly approximately two hundred forty-seven (247) feet.
- (h) Reserving and placing on the City Plan, within a portion of a right-of-way for water main purposes, a

twenty-five (25) foot wide right-of-way for drainage purposes from former McNulty road to a point three hundred fifty-five (355) feet southeastwardly therefrom.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year from the date this Ordinance becomes law:

- (a) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of a 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 agreements 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 an agreement, satisfactory to the Law Department, by the party in interest, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, 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 Department of Streets and 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 delivery to the storage yard of the Water Department located at Twenty-ninth street and Cambria street at no cost to the City and 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 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 filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c) of this Ordinance.
- (e) The dedication, to the City, free and clear of all encumbrances, of the beds of the dead end turnarounds as set forth in Sections 1(c) and 1(d) of this Ordinance.
- (f) The dedication to the City, free and clear of all encumbrances, of the two (2) thirty-five (35) foot wide rights-of-way for drainage purposes and water main purposes as set forth in Section 1(g) of this Ordinance.
- (g) The dedication to the City, free and clear of all encumbrances, of a right-of-way for drainage purposes within a portion of the existing right-of-way for water main purposes as set forth in Section 1(h) of this Ordinance.
- (h) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage purposes, water main

purposes, and gas main purposes, and the rights-of-way for drainage purposes, and water main purposes described in Section 1(e), 1(f), 1(g) and 1(h) of this Ordinance. The agreement shall provide that no changes in grades shall be made and that no buildings, fences or other structures, either overhead, underground or upon the surface shall be constructed within the lines of the rights-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Philadelphia Water Department and the Philadelphia Gas Works where applicable. The agreement shall also grant the right of access and occupation at any and all times to the officers, agents, employees and contractors of the City for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future drainage and water structures.

- (i) 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 following provision of The Philadelphia Code shall not apply to the portions of Meeting House road and McNulty road affected by the City Plan changes authorized by this Ordinance: Section 14-2104 (4) relating to cul-de-sacs.

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 twenty (120) days after this Ordinance becomes law.