

## Legislation Text

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**File #:** 170823, **Version:** 0

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Authorizing the relocation of the southerly curblin of Carpenter Street, from Broad Street to Fifteenth Street on City Plan No. 15-S, a variable distance southwardly, so as to widen the cartway of said Carpenter Street, authorizing the plotting on said City Plan of an area for public pedestrian use extending along the southerly side of Carpenter Street, from Broad Street to Fifteenth Street, and authorizing acceptance of the grant to the City of the said area for public pedestrian use, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Pursuant to Section 11-404 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to make certain changes affecting a portion of City Plan No. 15-S by:

- a) Relocating the southerly curblin of Carpenter Street, from Broad Street to Fifteenth Street, a variable distance southwardly, thereby widening the cartway of said Carpenter Street and creating a parking lane along the major part of the said southerly curblin.
- b) Plotting upon the City Plan a fifteen feet wide area for public pedestrian use extending along and contiguous with the southerly side of Carpenter Street from Broad Street to Fifteenth Street and limited in vertical dimension to the ground floor level of the existing and proposed structures occupying and proposed to occupy the abutting property.

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 locate any owner or owners of property affected and has been unable to do so, 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) In accordance with the provisions of Section 11-301(6)(a) of The Philadelphia Code, the party in interest shall file an agreement, satisfactory to the City Solicitor, to provide that the party in interest shall be responsible, at his or her sole cost and expense, for maintaining the roadway paving within the proposed parking lane authorized in Section 1(a) of this Ordinance in good repair.
- d) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid area for public pedestrian use authorized in Section 1(b) of this Ordinance. The agreement shall provide that the party in interest shall maintain adequate pedestrian access through the said area at all times and shall be responsible for maintaining the sidewalk paving within the said area in good repair. The agreement shall also provide that no structure, fixture, excavation, obstruction,

projection, or other encroachment shall be erected or maintained over, on, in, or under the said area, unless the plans for such encroachments shall first be submitted to and approved by the Department of Streets.

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 area for public pedestrian use 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.