

## Legislation Text

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Authorizing the striking from City Plan No. 185 and abandonment of a certain right-of-way reserved for drainage purposes in the area lying east of Pelham Road and southeast of Hortter Street and the plotting upon the said City Plan of a new right-of-way for sewer and drainage purposes in an alternate location within the same area and authorizing acceptance of the grant to the City of the said right-of-way being plotted, 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 hereby authorized to make certain changes affecting the lines of City utility rights-of-way on a portion of City Plan No. 185, within the area lying east of Pelham Road and southeast of Hortter Street, by:

- a) Striking from the City Plan and abandoning a certain right-of-way reserved for drainage purposes which extends from the terminus of Sharpnack Street, southwest of Cherokee Street, southwestwardly to the easterly side of Pelham Road.
- b) Plotting on the City Plan a right-of-way for sewer and drainage purposes extending from the said terminus of Sharpnack Street northwestwardly, southwestwardly, and westwardly to a point on the said easterly side of Pelham Road, approximately ninety-six feet south of the southeasterly side of said Hortter Street.

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 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 filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage purposes authorized in Section 1 (b) of this Ordinance. The agreement shall provide that no changes in grades shall be made and that no fences, buildings, 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 structures shall first be submitted to and approved by the Water Department. 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 facilities and structures.

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 right-of-way for sewer and drainage purposes 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.