File #: 220944, **Version:** 1

Authorizing the revision of lines and grades on a portion of City Plan Nos. 24-S, 25-S and 32-S by relocating the existing curblines and houselines along the western side of Vare Avenue from Maiden Lane to 28th Street, along the southern side of Maiden Lane from 34th Street to Vare Avenue, and at the intersection of Vare Avenue and Maiden Lane to accommodate the widening of certain streets and various intersection improvements, all under certain terms and conditions, including the dedication to the City of the beds of all widened portions of the aforementioned streets.

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:

a) Revise the lines and grades on a portion of City Plan Nos. 24-S and 32-S by relocating the existing curblines and houselines along the western side of Vare Avenue from its intersection with Maiden Lane to its intersection with 28th Street to accommodate roadway and intersection improvements;

b) Revise the lines and grades on a portion of City Plan Nos. 24-S and 25-S by relocating the existing curblines and houselines along southern side of Maiden Lane from its intersection with 34th Street to its intersection with Vare Avenue to accommodate roadway and intersection improvements;

c) Revise the lines and grades on a portion of City Plan No. 24-S by relocating the existing curblines and houselines at the intersection of Maiden Lane and Vare Avenue to accommodate roadway and intersection improvements;

SECTION 2. This authorization is conditional upon compliance with the following requirements within ten (10) 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 good faith diligent 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 party in interest, to make any and all changes and adjustments to 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 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 for their delivery to the storage yard of the Water Department located at 29th Street and Cambria Street at no cost to the City. The agreement 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 for their 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 approval by the Board of Surveyors of the City Plan changes authorized by this Ordinance;

d) The filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the reasonable judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the affected area. 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;

e) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Water Department, to cover the cost of the work required under Section 2(c) herein;

f) The dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances (except to the extent approved by the City Solicitor), of the beds of any widened portions of Vare Avenue and Maiden Lane, as the case may be, and as proposed to be placed on the City Plan by authority of this Ordinance; and

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 Board of Surveyors is hereby authorized to make such modifications to the City Plan changes authorized by this Ordinance and in accord with the directives of the Streets Department, the City Planning Commission, and the Pennsylvania Department of Transportation (as applicable) and are in compliance with the terms and conditions of this Ordinance.

SECTION 4. Consistent with the Section 11-405 of The Philadelphia Code, the Board of Surveyors may, subject to the terms and conditions of this Ordinance, approve the City Plan changes authorized by this Ordinance either individually or together during the ten (10) year period referenced in Section 2 above in order to facilitate the orderly and timely redevelopment of the abutting property.

SECTION 5. The City Solicitor is hereby authorized to review and approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

SECTION 6. 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.

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