

## Legislation Text

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**File #:** 130107, **Version:** 0

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Authorizing the plotting upon a portion of City Plan No. 271 of a right of way for sewer and drainage purposes extending from the westerly side of Front Street, north of Callowhill Street, westwardly to the Delaware Expressway, and authorizing acceptance of the grant to the City of the said right of way, under certain terms and conditions.

*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 hereby authorized to plot upon a portion of City Plan No. 271 a right of way for sewer and drainage purposes extending from a point on the westerly side of Front Street, approximately three-hundred thirteen feet north of Callowhill Street, westwardly to the easterly right of way line of the Delaware Expressway.

**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 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 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.