

Legislation Text

File #: 140482, **Version:** 0

Authorizing the striking from City Plan No. 63 of a certain right-of-way reserved for drainage purposes, water main purposes, and gas main purposes, over former Hamilton Street, between Eighteenth Street and Nineteenth Street, and creating a right-of-way solely for gas main purposes on a portion of former Hamilton Street, between Eighteenth Street and Nineteenth Street, subject to conditions precedent, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-403 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized by this Ordinance to make certain changes affecting the lines of City utility rights-of-way on a portion of City Plan No. 63, within the area of former Hamilton Street between Eighteenth Street and Nineteenth Street, by striking from the City Plan and abandoning a certain right-of-way for drainage purposes, water main purposes, and gas main purposes (collectively, the "Approved City Plan Changes"), and creating a right-of-way solely for gas main purposes only over that portion of former Hamilton Street between Eighteenth Street and Nineteenth Street from the southern boundary of former Hamilton Street to a line seven feet north and parallel to the southern line of former Hamilton Street between Eighteenth Street and Nineteenth Street.

SECTION 2. This authorization is conditioned upon satisfaction of all the following requirements within two years from the date this Ordinance becomes law:

- a. The execution and filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of the property affected by the striking and abandonment, to release the City from all damages or claims for damages which may arise by reason of the Approved City Plan Changes; in lieu of the agreement, only after the party in interest has demonstrated best efforts to obtain the agreements and those 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 required above in this condition "a".
- b. The execution and 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 Approved City Plan Changes.
- c. The execution and filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to water pipes, 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 those structures and facilities which may be necessary in the judgment of the Water Department by reason of the Approved City Plan Changes. To satisfy this condition, the agreement must 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

Twenty-ninth Street and Cambria Street at no cost to the City. The agreement must also provide for the removal of salvageable cast iron man holes 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 must provide that this work be completed within one year from the date of approval by the Board of Surveyors of the Approved City Plan Changes.

- d. The party in interest must 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) of this Ordinance.
- e. The execution and filing of an agreement between the party in interest and Philadelphia Gas Works (“PGW”), satisfactory to PGW, regarding relocation of the existing gas main from former Hamilton Street.

SECTION 3. The authorization given by this Ordinance is also conditioned upon the execution of one or more agreements, satisfactory to the City Solicitor, including an easement or similar agreement filed in the Recorder of Deeds office, regarding PGW’s access into and across Baldwin Park in the area that lies within 10 feet of the southern boundary of former Hamilton Street, to maintain, repair, and replace the gas main.

SECTION 4. The City Solicitor is authorized to include all terms and conditions in the documents required or authorized by this Ordinance as the City Solicitor determines will best protect the City’s interests.

SECTION 5. 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.