

## Legislation Text

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**File #:** 100306-A, **Version:** 1

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Authorizing and directing the revision of lines and grades on a portion of City Plan No. 308 by widening the cartway of Van Pelt Street between Chestnut Street and Sansom Street, by changing the east and west sidewalk lines of Van Pelt Street between Chestnut Street and Sansom Street and the grade of the westerly sidewalk of Van Pelt Street between Chestnut Street and Sansom Street and by creating a new public use private sidewalk on the west side of Van Pelt Street west of the west legal sidewalk between Chestnut Street and Sansom Street 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 authorized and directed to revise the lines and grades on a portion of City Plan No. 308 by:

- (a) Widening the cartway of Van Pelt Street, from Chestnut Street to Sansom Street, by relocating the easterly and westerly curb lines and by depressing the westerly sidewalk grade even with the cartway grade, and by relocating the westerly street curb onto private and public property as per the plan attached hereto as Exhibit “A”; and
- (b) by creating a public easement for use of a new private sidewalk west of the west public sidewalk of Van Pelt Street between Chestnut Street and Sansom Street per the plan attached hereto as Exhibit “A”.

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 Law Department, by the owner or owners 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, provided that the party in interest has demonstrated, to the satisfaction of the City, best efforts to obtain such agreements, and that such efforts are unsuccessful, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City for all such damages or claims for damages.
- (b) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.
- (c) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, water pipes, fire hydrants, sewers, inlets and manholes, street light poles and equipment, 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 Department of Streets and Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the installation of new street lighting poles and equipment on the east side of Van Pelt Street at no cost to the City. 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 Twenty-ninth Street and Cambria Street at no cost to the City, and

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 twenty-seven months from the date of confirmation 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 owner or owners of property affected thereby, granting to the City the aforesaid easement for public use of a private sidewalk adjacent to the westerly houseline of Van Pelt Street and extending from Chestnut Street to Sansom Street, the said easement to be granted being more fully described in Exhibit "A" attached hereto. The agreement shall provide that the party in interest shall be responsible, at his or her sole cost and expense and in accordance with the specifications and requirements of the Department of Streets, for constructing and maintaining in good repair the sidewalk and roadway paving within the easement area, including the curbside lay-by proposed for this area. The agreement shall also indemnify the City from and against all damages or claims for damages resulting from any failure to properly construct and maintain the curbing, sidewalk paving, and roadway paving within the easement area.
- (e) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of the work required under Section 2(c).
- (f) 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. 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 twenty (120) days after this Ordinance becomes law.

SECTION 4. Exhibit "A" to this Ordinance shall be kept on file by the Chief Clerk and shall be available for public inspection.

### Exhibit "A"