

## Legislation Text

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Authorizing and directing the placing on City Plan No. 359 of two rights-of-way for drainage purposes in the vicinity of Saint Thomas Drive, northeast of Tomlinson Road, 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 to place on City Plan No. 359 two certain rights-of-way for drainage purposes, the first thereof being described as follows:

**Beginning at a point** on the northwesterly side of Saint Thomas Drive (fifty-four feet wide), said point being measured North sixty-one degrees nineteen minutes fifty-two seconds East, the distance of sixty-nine and three-hundred ten one-thousandths feet from the northeasterly end of a non-radial curve having a radius of fifteen and eighty-nine one-hundredths feet, a chord bearing of North eighty-two degrees thirty-two minutes forty-six seconds East, and an arc length of eleven and seven-hundred sixty-seven one-thousandths feet which connects the northeasterly side of Tomlinson Road (eighty feet wide) with the said northwesterly side of Saint Thomas Drive; **thence** extending North twenty-eight degrees forty minutes eight seconds West, the distance of thirty-five and two-hundred seventy-seven one-thousandths feet to a point; **thence** extending North sixty-one degrees nineteen minutes fifty-two seconds East, the distance of forty-nine and eighty-seven one-hundredths feet to a point; **thence** extending South twenty-eight degrees forty minutes eight seconds East, the distance of forty and seven-hundred forty-three one-thousandths feet to a point on a curve on the said northwesterly side of Saint Thomas Drive; **thence** extending southwestwardly, along the said northwesterly side of Saint Thomas Drive, along the arc of a circle curving to the left and having a radius of one-hundred seventy-six and sixty-one one-hundredths feet, the arc distance of forty-four and fifty-six one-thousandths feet to a point of tangency; **thence** extending South sixty-one degrees nineteen minutes fifty-two seconds West, still along the said northwesterly side of Saint Thomas Drive, the distance of six and twenty-seven one-hundredths feet to the **first mentioned point and place of beginning**.

And the second thereof being described as follows:

**Beginning at an internal point**, said point being measured from the southwesterly end of a non-radial curve having a radius fifteen and eight-nine one-hundredths feet, a chord bearing of South forty degrees six minutes fifty-eight seconds West, and an arc length of eleven and seven-hundred sixty-seven one-thousandths feet which connects the northeasterly side of Tomlinson Road (eighty feet wide) with the southeasterly side of Saint Thomas Drive (fifty-four feet wide) the following four (4) courses and distances: **(1)** Southeastwardly, along the said northeasterly side of Tomlinson Road, along the arc of a circle curving to the right and having a radius of one-thousand two-hundred fifty-five and two-hundred twenty-one one-thousandths feet, the arc distance of four and six one-hundredths feet to a point; **(2)** South forty-one degrees forty-one minutes forty-nine seconds East, along a non-tangent line, the distance of two-hundred eleven and eight-hundred sixty-nine one-thousandths feet to a point; **(3)** North forty-eight degrees twelve minutes forty-eight seconds East, the distance of one-thousand one-hundred five and thirty-six one-hundredths feet to a point; **(4)** North forty-one degrees forty-seven minutes twelve seconds West, the distance of one-hundred twenty and four-hundred sixty-eight one-thousandths feet to the point of beginning; **thence**, from said point of beginning, extending North forty-one degrees

forty-seven minutes twelve seconds West, the distance of twenty-eight and fourteen one-hundredths feet to a point on the said southeasterly side of Saint Thomas Drive; **thence** extending North fifty-six degrees forty minutes twenty-seven seconds East, along the said southeasterly side of Saint Thomas Drive, the distance of forty-eight and eighty-seven one-hundredths feet to a point; **thence** extending South forty-one degrees forty-seven minutes twelve seconds East, the distance of twenty-three and two-hundred two one-thousandths feet to a point; **thence** extending South fifty degrees fifty-two minutes fifty seconds West, the distance of forty-eight and three-hundred ninety-one one-thousandths feet to the **first mentioned point and place of beginning.**

**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 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, 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 indemnify 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 or owners of property affected thereby, granting to the City of Philadelphia the aforesaid rights-of-way for 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 and the Water Department for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.