

Legislation Text

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To Authorize the Water Commissioner on behalf of the City to enter into agreements with the owners of the properties and their successors of a private street known as Anthony Lane, located at 8816 Ridge avenue for the grant of a right-of-way to the City for water main purposes.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The Water Commissioner is hereby authorized to enter into agreements with the owners and their successors of a private street known as Anthony Lane, located at 8816 Ridge avenue for the grant of a right-of-way to the City for water main purposes.

SECTION 2. The agreement shall be prepared by the City Solicitor in a form substantially as follows:

“AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_ 1997, by and between, \_\_\_\_\_, the record owner of a certain Property on **8816 RIDGE AVENUE** in the 21st Ward, Philadelphia, Pennsylvania, hereinafter called “Owner”, and THE CITY OF PHILADELPHIA, hereinafter called “City”;

WITNESSETH:

WHEREAS, the Council of the City of Philadelphia has adopted an Ordinance authorizing and directing the placing on the City Plan certain rights-of-way for water main purposes under certain terms and conditions (Bill No. \_\_\_\_\_), a true and correct copy of which Ordinance is attached hereto and made a part hereof; and

WHEREAS, the parties desire to enter into an agreement in accordance with the Ordinance;

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1 Owner, of the bed of Anthony Lane, 8816 Ridge avenue, Philadelphia, PA (herein referred to as the “Affected Property”) for itself, its successors and assigns, covenants and agrees to release the City, all its officers, employees, agents, departments and commissions, from all damages or claims for damages which can, may or might arise by reason of the City Plan changes authorized by the Ordinance.

2 Owner has granted, bargained and sold and by these presents does grant, bargain and sell unto the

City, its successors and assigns, the full, free and uninterrupted use, liberty and privilege of right-of-way for water main purposes over, under, along and in the following premises, to wit :

(a) ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE CITY OF PHILADELPHIA, DESCRIBED AS FOLLOW:

BEGINNING AT A POINT on the westerly line of Ridge avenue (100 feet wide), said point being located from the intersection of the westerly line of Ridge avenue produced and the southerly line of Manatawna avenue (60 feet wide) produced by the following two arcs and distances along the westerly line of Ridge avenue: (1) along a curve concave to the west with a radius of 5,664.803 feet and a central angle of  $1^{\circ} 08' 44.0''$ , the arc distance of 113.260 feet to a point of compound curvature; (2) thence along a curve concave to the west with a radius of 7,652.324 feet and a central angle of  $1^{\circ} 00' 35.2''$ , the arc distance of 134.863 feet to the point of beginning; thence from said point of beginning along a curve concave to the west with a radius of 7,652.324 feet and a central angle of  $0^{\circ} 10' 03.4''$ , the arc distance of 22.389 feet along the westerly line of Ridge avenue to a point; thence  $S 72^{\circ} 30' 00.0'' W$ , a distance of 65.375 feet to a point; thence  $S 46^{\circ} 23' 29.0'' W$ , a distance of 60.090 feet to a point, thence  $S 58^{\circ} 03' 37.0'' W$ , a distance of 69.905 feet to a point; thence  $S 51^{\circ} 59' 53.0'' W$ , a distance of 30.165 feet to a point; thence  $S 45^{\circ} 06' 29.0'' W$ , a distance of 44.379 feet to a point; thence  $S 50^{\circ} 59' 19.0'' W$ , a distance of 41.077 feet to a point; thence  $S 59^{\circ} 37' 33.0'' W$ , a distance of 27.382 feet to a point; thence  $S 64^{\circ} 11' 47.0'' W$ , a distance of 50.496 feet to a point; thence  $S 23^{\circ} 17' 28.0'' W$ , a distance of 12.640 feet to a point being the beginning of non-tangent curve concave to the north having a radius of 38.200 feet and to which point a radial line bears  $N 89^{\circ} 50' 08.6'' E$ ; thence along said curve through a central angle of  $153^{\circ} 01' 07.4''$ , an arc distance of 102.020 feet to a point of tangency; thence from said point of tangency  $N 27^{\circ} 08' 44.0'' W$ , a distance of 46.880 feet to a point; thence  $S 51^{\circ} 14' 04.0'' W$ , a distance of 108.920 feet to a point; thence  $N 39^{\circ} 44' 33.0'' W$ , a distance of 26.000 feet to a point; thence  $N 51^{\circ} 14' 04.0'' E$ , a distance of 192.800 feet to a point; thence  $S 27^{\circ} 08' 44.0'' E$ , a distance of 55.520 feet to a point; thence  $S 62^{\circ} 51' 29.0'' E$ , a distance of 26.027 feet to a point; thence  $N 64^{\circ} 11' 47.0'' E$ , a distance of 40.426 feet to a point; thence  $N 59^{\circ} 37' 33.0'' E$ , a distance of 24.842 feet to a point; thence  $N 50^{\circ} 59' 17.0'' E$ , a distance of 38.286 feet to a point; thence  $N 45^{\circ} 06' 29'' E$ , a distance of 44.574 feet to a point; thence  $N 51^{\circ} 59' 53.0'' E$ , a distance of 32.654 feet to a point; thence  $N 58^{\circ} 03' 37'' E$ , a distance of 68.822 feet to a point; thence  $N 46^{\circ} 23' 29.0'' E$ , a distance of 62.943 feet to a point; thence  $N 72^{\circ} 30' 00.0'' E$ , a distance of 74.633 feet to a point on the westerly line of Ridge avenue, said point being the aforementioned point of beginning.

3 Owner for itself, its successors and assigns, hereby grants the right-of-access, ingress, egress,

regress and occupancy of the said rights-of-way to and for the City, its officers, agents, employees and contractors, with the necessary equipment and materials, for the construction, reconstruction, maintenance, alteration, repair and inspection of any and all present and future water mains now situated in the said right-of-way or which the said City may hereafter at any time desire to locate therein.

1 It is expressly understood and agreed that the rights and privileges herein granted to the City shall not terminate, cease or diminish unless and until the City may hereafter at any time to locate therein.

2 Owner does for itself, its successors and assigns, covenant and agree that no change in grades or other alterations within the lines of the right-of-way shall be made and that no building and/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 changes of grades, other alterations or structures shall first be submitted to and approved by the Water Department.

6. Owner agrees that this Agreement may be filed of record in the Office of the Department of Records of the City of Philadelphia, the same to be public notice of waiver and release of any and all damages which may be sustained by reason of the City Plan changes authorized by the Ordinance and the grant of the right-of-way described herein.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have caused these presents to be duly executed the day and year first above written.

CITY OF PHILADELPHIA  
WATER DEPARTMENT

\_\_\_\_\_  
APPROVED AS TO FORM DATE

\_\_\_\_\_  
RICHARD E. ROY  
COMMISSIONER

ATTEST

WISSAHICKON VALLEY  
HOMEOWNERS' ASSOCIATION

\_\_\_\_\_  
WITNESS                      DATE

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_ "

SECRETARY

SECTION 3. The City Solicitor shall include in said agreement such terms and conditions, as he may deem necessary or proper to protect the interest of the City.