



City of Philadelphia

City Council
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Philadelphia, PA 19107

Legislation Details (With Text)

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File created: 11/4/2010 **In control:** Committee on Streets and Services

On agenda: **Final action:** 12/9/2010

Title: Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street, reserving and placing on the City Plan a right-of-way for drainage and water main purposes within the lines of Fifth Street being stricken, relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street, placing on the City Plan Seventh Street from Race Street to Franklin Street, and striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, authorizing the conveyance of the City-owned portion of the bed of Fifth Street being stricken to the Delaware River Port Authority, and authorizing the opening of the northerly forty-seven feet wide portion of Race Street from Sixth Street to Franklin Street and the opening of Seventh Street from Race Street to Franklin Street.

Sponsors: Councilmember DiCicco

Indexes: CITY PLAN, STRIKE FROM & VACATE

Code sections:

Attachments: 1. CertifiedCopy10076000.pdf

Date	Ver.	Action By	Action	Result	Tally
1/5/2011	0	MAYOR	SIGNED		
12/9/2010	0	CITY COUNCIL	READ AND PASSED	Pass	16:0
12/2/2010	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/2/2010	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/2/2010	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/18/2010	0	Committee on Streets and Services	HEARING NOTICES SENT		
11/18/2010	0	Committee on Streets and Services	HEARING HELD		
11/18/2010	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/4/2010	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street, reserving and placing on the City Plan a right-of-way for drainage and water main purposes within the lines of Fifth Street being stricken, relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street, placing on the City Plan Seventh Street from Race Street to Franklin Street, and striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, authorizing the conveyance of the City-owned portion of the bed of Fifth Street being stricken to the Delaware River Port Authority, and authorizing the opening of the northerly forty-seven feet wide portion of Race Street from Sixth Street to Franklin Street and the opening of Seventh Street from Race Street to Franklin Street.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-405 of The Philadelphia Code, in order to conform more closely to existing conditions, the Board of Surveyors of the Department of Streets is hereby authorized to revise the lines and grades on a portion of City Plan No. 307 by:

- (a) Striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street.
- (b) Reserving and placing on the City Plan a right-of-way for drainage purposes and water main purposes within the lines of Fifth Street being stricken.
- (c) Relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street to conform to the lines of said Florist Street as currently improved.
- (d) Placing on the City Plan Seventh Street from Race Street to Franklin Street, conforming to the lines of Seventh Street as currently improved.
- (e) Striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, thereby reducing the width of Race Street within this area from one-hundred twenty-two feet to ninety-five feet.

SECTION 2. Effective upon confirmation of the striking and vacating of Fifth Street from Race Street to Vine Street as authorized in Section 1(a) herein, the Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to convey to the Delaware River Port Authority, by a quit-claim deed and for nominal consideration, the portion of the bed of said Fifth Street owned by the City.

SECTION 3. The striking and vacating of Fifth Street, as authorized in Section 1(a) herein, and the conveyance of a portion thereof, as authorized in Section 2 herein, shall be subject to the following terms and conditions:

- (a) The execution of an agreement between the City and the Delaware River Port Authority wherein the Delaware River Port Authority shall agree to own, maintain, and keep open to public traffic the existing underground traffic tunnel which carries Fifth Street under the Benjamin Franklin Bridge approach.
- (b) The execution of an agreement between the City and the Delaware River Port Authority, granting to the City the aforesaid right-of-way for drainage purposes and water main purposes authorized in Section 1(b) 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 4. The Board of Surveyors is hereby authorized to adopt a resolution declaring the northerly forty-seven feet wide portion of Race Street, from Sixth Street to Franklin Street, extending through property owned by the City of Philadelphia, to be legally open.

SECTION 5. Effective upon confirmation of the placing on the City Plan of Seventh Street, as authorized in Section 1(d) herein, the Board of Surveyors is hereby authorized to adopt a resolution declaring the bed of said Seventh Street, extending through property owned by the City of Philadelphia, to be legally open.

SECTION 6. The City Solicitor is hereby authorized to review and to approve all instruments and documents

necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.