City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Details (With Text)

File #:	170720	**Version:**	0	**Name:**	
Type:	Bill			**Status:**	ENACTED
File created:	9/14/2017			**In control:**	Committee on Streets and Services
On agenda:				**Final action:**	10/26/2017

Title: Authorizing the plotting upon City Plan Nos. 146 and 271 of two rights-of-way for sewer and drainage purposes and the striking from said City Plans and abandoning of all or portions of four other rights-of-way for various utility purposes, all lying within the area southeast of Delaware Avenue and northeast of Ellen Street, and authorizing acceptance of the grant to the City of the said rights-of-way being plotted, all under certain terms and conditions.

Sponsors: Councilmember Squilla

Indexes: CITY PLAN, STRIKE FROM & VACATE

Code sections:

Attachments: 1. CertifiedCopy17072000.pdf

Date	Ver.	Action By	Action	Result	Tally
11/13/2017	0	MAYOR	SIGNED		
10/26/2017	0	CITY COUNCIL	READ AND PASSED	Pass	16:0
10/5/2017	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
10/5/2017	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
10/5/2017	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/3/2017	0	Committee on Streets and Services	HEARING NOTICES SENT		
10/3/2017	0	Committee on Streets and Services	HEARING HELD		
10/3/2017	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
9/14/2017	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing the plotting upon City Plan Nos. 146 and 271 of two rights-of-way for sewer and drainage purposes and the striking from said City Plans and abandoning of all or portions of four other rights-of-way for various utility purposes, all lying within the area southeast of Delaware Avenue and northeast of Ellen Street, and authorizing acceptance of the grant to the City of the said rights-of-way being plotted, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-405 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to make certain changes affecting the lines of City utility rights-of-way on a portion of City Plan Nos. 146 and 271, within the area lying southeast of Delaware Avenue and northeast of Ellen Street, by:

powered by Legistar™

a) Plotting on the City Plan a right-of-way for sewer and drainage purposes beginning at a point approximately two feet southeast of Delaware Avenue and on the northeasterly side of an existing right-of-way reserved for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of former Shackamaxon Street and extending southeastwardly to the Pierhead Line of the Delaware River.

b) Plotting on the City Plan a right-of-way for sewer and drainage purposes extending from a point on the southeasterly side of Delaware Avenue, approximately four-hundred thirty-seven feet northeast of Ellen Street, to the Pierhead Line of the Delaware River, the southwesterly side of the said right-of-way being plotted being contiguous with the northeasterly sides of three existing rights-of-way for various utility purposes which together extend from said Delaware Avenue to the said Pierhead Line.

c) Striking from the City Plan and abandoning a portion of a right-of-way reserved for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of former Shackamaxon Street, said portion extending from a point approximately one-hundred ten feet southeast of Delaware Avenue to the terminus of the said right-of-way approximately forty-eight feet further southeastwardly therefrom.

d) Striking from the City Plan and abandoning a right-of-way reserved for sewer maintenance, said right-of-way extending from the terminus a right-of-way reserved for various utility purposes within the lines of former Shackamaxon Street, approximately one-hundred fifty-eight feet southeast of Delaware Avenue, to the Pierhead Line of the Delaware River.

e) Striking from the City Plan and abandoning a portion of a right-of-way reserved for drainage purposes, water main purposes, and gas main purposes reserved within the lines of former Penn Street, said portion extending from a point approximately ninety-nine feet northeast of Ellen Street to a point approximately two-hundred seventy-nine feet further northeastwardly therefrom.

f) Striking from the City Plan and abandoning a right-of-way for drainage purposes extending from a point on the southeasterly side of a right-of-way reserved for various utility purposes within the lines of former Penn Street, at a point approximately ninety-nine feet northeast of Ellen Street, to the Pierhead Line of the Delaware River.

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(s) 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 release 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(s) of property affected thereby, granting to the City the aforesaid rights-of-way for sewer and drainage purposes authorized in Sections 1(a) and 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, undrground, or upon the surface, shall be constructed within the lines of the rights-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 3. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid rights-of-way for sewer and drainage purposes authorized in Sections 1(a) and 1(b) herein.

SECTION 4. 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.

powered by Legistar™