

Legislation Details (With Text)

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File created: 4/5/2018 **In control:** Committee on Streets and Services

On agenda: **Final action:** 6/14/2018

Title: Authorizing the revision of lines and grades on a portion of City Plan Nos. 52-S and 53-S, in the area lying southeast of Penrose Avenue and southwest of Twenty-Sixth Street, by striking from the City Plan and vacating an irregularly-shaped portion of the right-of-way of Penrose Avenue, along the southeasterly side thereof, relocating a portion of the southeasterly local service roadway of Penrose Avenue from Twenty-Sixth Street to a point southwestwardly therefrom, and placing on the City Plan a right-of-way for sewer and drainage purposes and public utility purposes and a right-of-way for sewer and drainage purposes and authorizing acceptance of the grant to the City of the said rights-of-way, all under certain terms and conditions, including the dedication to the City of the bed of the said relocated southeasterly local service roadway of Penrose Avenue.

Sponsors: Councilmember Johnson

Indexes: CITY PLAN, STRIKE FROM & VACATE

Code sections:

Attachments: 1. CertifiedCopy18028800.pdf

Date	Ver.	Action By	Action	Result	Tally
6/21/2018	0	MAYOR	SIGNED		
6/14/2018	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
6/7/2018	0	CITY COUNCIL	RECONSIDERED	Pass	17:0
6/7/2018	0	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
5/24/2018	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
5/17/2018	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
5/17/2018	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
5/17/2018	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
5/10/2018	0	Committee on Streets and Services	HEARING NOTICES SENT		
5/10/2018	0	Committee on Streets and Services	HEARING HELD		
5/10/2018	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
4/5/2018	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing the revision of lines and grades on a portion of City Plan Nos. 52-S and 53-S, in the area lying southeast of Penrose Avenue and southwest of Twenty-Sixth Street, by striking from the City Plan and vacating an irregularly-shaped portion of the right-of-way of Penrose Avenue, along the southeasterly side thereof, relocating a portion of the southeasterly local service roadway of Penrose Avenue from Twenty-Sixth Street to a

point southwestwardly therefrom, and placing on the City Plan a right-of-way for sewer and drainage purposes and public utility purposes and a right-of-way for sewer and drainage purposes and authorizing acceptance of the grant to the City of the said rights-of-way, all under certain terms and conditions, including the dedication to the City of the bed of the said relocated southeasterly local service roadway of Penrose Avenue.

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 revise the lines and grades on a portion of City Plan Nos. 52-S and 53-S, in the area lying southeast of Penrose Avenue and southwest of Twenty-Sixth Street, by:

- a) Striking from the City Plan and vacating an irregularly-shaped portion of the bed of Penrose Avenue, along the southeasterly side thereof, extending from a point approximately three-hundred nine feet southwest of Twenty-Sixth Street (not on City Plan) to a point approximately seven-hundred thirty-two feet further southwestwardly therefrom.
- b) Striking from the City Plan the curblines of a variable width cartway extending within the right-of-way of Penrose Avenue, along the southeasterly side thereof, from Twenty-Sixth Street (not on City Plan) to a point approximately one-thousand three-hundred twenty-three feet southwestwardly therefrom, said cartway being the southeasterly local service roadway of said Penrose Avenue.
- c) Placing on the City Plan a new southeasterly local service roadway of Penrose Avenue, in an alternate location a variable distance southeast of the existing right-of-way of said Penrose Avenue, extending from Twenty-Sixth Street (not on City Plan) southwestwardly and connecting with the existing southeasterly local service roadway of said Penrose Avenue at a point approximately one-thousand three-hundred twenty-three feet southwest of said Twenty-Sixth Street.
- d) Placing on the City Plan a variable width right-of-way for sewer and drainage purposes and public utility purposes, contiguous with the proposed southeasterly side of Penrose Avenue and extending from a point approximately three-hundred nine feet southwest of Twenty-Sixth Street (not on City Plan) to a point approximately five-hundred sixty-five feet further southwestwardly therefrom.
- e) Placing on the City Plan a right-of-way for sewer and drainage purposes, located approximately six-hundred seventy-six feet southwest of Twenty-Sixth Street (not on City Plan) and extending from the proposed new southeasterly local service roadway of Penrose Avenue, authorized under Section 1(c) herein, to the proposed right-of-way for sewer and drainage purpose and public utility purposes, authorized under Section 1 (d) herein.

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 party in interest, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, water pipe, 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 the Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of all existing City-owned street lighting poles and equipment and for their delivery to the storage yard of the Street Lighting Division at 701 Ramona Avenue 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. The agreement 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 one year 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 party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the area affected by the City Plan changes authorized herein. The agreement shall provide that this work be completed within one year from the date of confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.

e) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Department of Streets and the Water Department, to cover the cost of the work required under Section 2(c) herein.

f) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage purposes and public utility purposes authorized in Section 1(d) of this Ordinance and the aforesaid right-of-way for sewer and drainage purposes authorized in Section 1(e) 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 rights-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department and any other public utility which maintains facilities within the said right-of-way. 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 any public utility which maintains facilities within the said right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

g) The dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances, of the bed of the new southeasterly local service roadway of Penrose Avenue as proposed to be placed on the City Plan by authority of this Ordinance.

h) 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. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept

the grant to the City of the proposed rights-of-way for sewer and drainage purposes and public utility purposes authorized in Section 1(d) herein and for sewer and drainage purposes authorized in Section 1(e) 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.