# City of Philadelphia

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

## Legislation Details (With Text)

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|---|---|---|---|---|---|
| **File #:** | 200539 | **Version:** | 0 | **Name:** | |
| **Type:** | Bill | | | **Status:** | ENACTED |
| **File created:** | 10/8/2020 | | | **In control:** | Committee on Streets and Services |
| **On agenda:** | | | | **Final action:** | 11/19/2020 |

**Title:** Authorizing the revision of lines and grades on a portion of City Plan No. 299 by striking from the City Plan Parker Avenue from a point approximately one-hundred fifty-six feet southwest of Matthias Street to its terminus southwestwardly therefrom and reserving and placing on the City Plan a right-of-way for various utility purposes within a portion of Parker Avenue being stricken and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

**Sponsors:** Councilmember Jones

**Indexes:** CITY PLAN, STRIKE FROM & VACATE

**Code sections:**

**Attachments:** 1. CertifiedCopy20053900.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|---|---|---|---|---|---|
| 12/1/2020 | 0 | MAYOR | SIGNED | | |
| 11/19/2020 | 0 | CITY COUNCIL | READ AND PASSED | Pass | 17:0 |
| 11/12/2020 | 0 | CITY COUNCIL | SUSPEND THE RULES OF THE COUNCIL | | |
| 11/12/2020 | 0 | CITY COUNCIL | ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR | | |
| 11/12/2020 | 0 | CITY COUNCIL | READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR | | |
| 11/9/2020 | 0 | Committee on Streets and Services | HEARING NOTICES SENT | | |
| 11/9/2020 | 0 | Committee on Streets and Services | HEARING HELD | | |
| 11/9/2020 | 0 | Committee on Streets and Services | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED | | |
| 10/8/2020 | 0 | CITY COUNCIL | Introduced and Referred | | |

Authorizing the revision of lines and grades on a portion of City Plan No. 299 by striking from the City Plan Parker Avenue from a point approximately one-hundred fifty-six feet southwest of Matthias Street to its terminus southwestwardly therefrom and reserving and placing on the City Plan a right-of-way for various utility purposes within a portion of Parker Avenue being stricken and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

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

SECTION 1. Pursuant to Section 11-403 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 No. 299 by:

a) Striking from the City Plan Parker Avenue from a point approximately one-hundred fifty-six feet southwest

of Matthias Street to its terminus approximately two-hundred forty-four feet further southwestwardly therefrom.

b) Reserving and placing on the City Plan a right-of-way for sewer and drainage purposes, water main purposes, gas main purposes, and public utility purposes within a portion of Parker Avenue being stricken, extending from the proposed terminus of Parker Avenue, approximately one-hundred fifty-six feet southwest of Matthias Street, to a point approximately one-hundred eighty-six feet further southwestwardly therefrom.

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 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 being stricken. 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 owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage purposes, water main purposes, gas main purposes, and public utility purposes 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 Gas Works, and any other public utility which maintains facilities within the 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, the Gas Works, and any public utility which maintains facilities with the right-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

e) 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 aforesaid right-of-way for sewer and drainage purposes, water main purposes, gas main purposes, and public utility purposes authorized in Section 1(b) herein.

SECTION 4. The provisions of The Philadelphia Code, Section 14-708(5)(g), relating to dead end streets, shall not apply to Parker Avenue as affected by this Ordinance.



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SECTION 5. 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.



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