Legislation Details (With Text)

File #:	220948	**Version:** 1	**Name:**		
Type:	Bill		**Status:**	ENACTED	
File created:	12/1/2022		**In control:**	Committee on Streets and Services	
On agenda:			**Final action:**	3/30/2023	

Title: Authorizing the revision of lines and grades on a portion of City Plan Nos. 32-S, 33-S, 39-S, 40-S, 46-S, 47-S, and 53-S by relocating the existing curblines and houselines along the southern side of Passyunk Avenue at its intersections with South 28th Street and Passyunk Avenue Service Road (aka Frontage Road), along both sides of Passyunk Avenue Service Road (aka Frontage Road) at its intersections with Frances Harper Drive and Passyunk Avenue, along the western side of 26th Street and center median of South 26th Street at its intersections with Passyunk Avenue, Hartranft Street and Penrose Avenue, along both sides of the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), and along the northern side of Penrose Avenue and center median of Penrose Avenue at its intersections with the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), Frances Harper Drive, Schuylkill Avenue, and 26th Street, to accommodate various intersection improvements, all under certain terms and conditions, including the dedication to the City of the beds of all widened portions of the aforementioned streets.

Sponsors: Councilmember Johnson

Indexes: LINES AND GRADES (REVISING)

Code sections:

Attachments: 1. Bill No. 22094801, As Amended.pdf, 2. CertifiedCopy22094801.pdf

Date	Ver.	Action By	Action	Result	Tally
4/12/2023	1	MAYOR	SIGNED		
3/30/2023	1	CITY COUNCIL			
3/23/2023	1	CITY COUNCIL			
3/23/2023	1	CITY COUNCIL			
3/23/2023	1	CITY COUNCIL			
3/17/2023	0	Committee on Streets and Services	HEARING NOTICES SENT		
3/17/2023	0	Committee on Streets and Services	HEARING HELD		
3/17/2023	0	Committee on Streets and Services	AMENDED		
3/17/2023	1	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
2/24/2023	0	Committee on Streets and Services	HEARING NOTICES SENT		
2/24/2023	0	Committee on Streets and Services	Cancellation of Scheduled Public Hearing		
12/1/2022	0	CITY COUNCIL	Introduced and Referred		

Authorizing the revision of lines and grades on a portion of City Plan Nos. 32-S, 33-S, 39-S, 40-S, 46-S, 47-S, and 53-S by relocating the existing curblines and houselines along the southern side of Passyunk Avenue at its intersections with South 28th Street and Passyunk Avenue Service Road (aka Frontage Road), along both sides

of Passyunk Avenue Service Road (aka Frontage Road) at its intersections with Frances Harper Drive and Passyunk Avenue, along the western side of 26th Street and center median of South 26th Street at its intersections with Passyunk Avenue, Hartranft Street and Penrose Avenue, along both sides of the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), and along the northern side of Penrose Avenue and center median of Penrose Avenue at its intersections with the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), Frances Harper Drive, Schuylkill Avenue, and 26th Street, to accommodate various intersection improvements, all under certain terms and conditions, including the dedication to the City of the beds of all widened portions of the aforementioned streets.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-404 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to:

a) Revise the lines and grades on a portion of City Plan Nos. 32-S, 33-S, and 40-S by relocating the existing curbline along the southern side of Passyunk Avenue at its intersection with South 28th Street and Passyunk Avenue Service Road (aka Frontage Road) to accommodate intersection improvements;

b) Revise the lines and grades on a portion of City Plan No. 32-S, 33-S, and 40-S by relocating the existing curbline along both sides and the existing houseline along the southern side of Passyunk Avenue Service Road (aka Frontage Road) at its intersections with Frances Harper Drive and Passyunk Avenue to accommodate intersection improvements;

c) Revise the lines and grades on a portion of City Plan Nos. 39-S, 40-S, 46-S, and 47-S, by relocating portions of the existing curbline and houseline along the western side of 26th Street and curbline of the center median of South 26th Street at its intersections with the Passyunk Avenue On-Ramp to South 26th Street, Hartranft Street and Penrose Avenue to accommodate intersection improvements;

d) Revise the lines and grades on a portion of City Plan No. 53-S by relocating the existing curbline and houseline along both sides of the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue) in order to shift its intersection with Penrose Avenue east of its current location; and

e) Revise the lines and grades on a portion of City Plan Nos., 47-S, and 53-S by relocating the existing curbline and houseline along the northern side of Penrose Avenue and curbline of the center median of Penrose Avenue at its intersection with the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue) and its intersections with Frances Harper Drive and 26th Street to accommodate intersection improvements.

SECTION 2. This authorization is conditional upon compliance with the following requirements within ten (10) 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 good faith diligent 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 water pipe, fire hydrants, sewers, inlets and manholes, 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 Water Department by reason of the City Plan changes authorized herein. 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 29th 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 approval 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 reasonable judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the affected area. 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 Water Department, to cover the cost of the work required under Section 2(c) herein;

f) The dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances (except to the extent approved by the City Solicitor), of the beds of any widened portions of Passyunk Avenue, 26th Street, northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), Penrose Avenue, 28th Street and Passyunk Avenue Service Road (aka Frontage Road), as the case may be, and as proposed to be placed on the City Plan by authority of this Ordinance; and

g) 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 Board of Surveyors is hereby authorized to make such modifications to the City Plan changes authorized by this Ordinance and in accord with the directives of the Streets Department, the City Planning Commission, and the Pennsylvania Department of Transportation (as applicable) and are in compliance with the terms and conditions of this Ordinance.

SECTION 4. Consistent with the Section 11-405 of The Philadelphia Code, the Board of Surveyors may, subject to the terms and conditions of this Ordinance, approve the City Plan changes authorized by this Ordinance either individually or together during the ten (10) year period referenced in Section 2 above in order to facilitate the orderly and timely redevelopment of the abutting property.

SECTION 5. The City Solicitor is hereby authorized to review and 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.

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SECTION 6. 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.