

## Legislation Text

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**File #:** 100366, **Version:** 0

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Authorizing the striking from City Plan No. 169 and abandoning of a portion of a right-of-way for construction and maintenance of sewer which extends southeastwardly and southwardly from City Avenue, southwest of 54th Street, and the plotting on the City Plan of a right-of-way for drainage and sewer purposes in an alternate location east of the said existing right-of-way and authorizing acceptance of the grant to the City of the said proposed right-of-way, 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 approve a plan affecting City utility rights-of-way on a portion of City Plan No. 169 by:

- (a) Striking from the City Plan and abandoning a portion of a certain forty (40) feet wide right-of-way for construction and maintenance of sewer which extends southeastwardly and southwardly from a point on the southeasterly side of City Avenue, approximately two-hundred eighty-three (283) feet southwest of 54th Street, the said portion being stricken and abandoned extending from a point approximately ninety-four (94) feet southeast of said City Avenue to a point approximately two-hundred sixty (260) feet further southeastwardly and southwardly therefrom.
- (b) Plotting on the City Plan a forty (40) feet wide right-of-way for drainage and sewer purposes beginning at a point on the northeasterly side of the existing right-of-way for construction and maintenance of sewer being affected by Section 1(a) hereof, approximately fifty-nine (59) feet southeast of City Avenue, and extending eastwardly, southeastwardly, and southwestwardly between the two proposed termini of the said existing right-of-way.

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 or owners 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 indemnify 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 or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage and sewer 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 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 drainage and sewer purposes authorized in Section 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.