

Legislation Text

File #: 120335, **Version:** 0

Authorizing the revision of lines and grades on a portion of City Plan No. 228 by placing on the City Plan Kingsley Court from Ridge Avenue, southeast of Walnut Lane, northeastwardly to a cul-de-sac turnaround, striking from the City Plan and vacating the legally open portions of Kingsley Street from a point approximately one-hundred seventy-one feet northwest of Houghton Street to Ridge Avenue, striking from the City Plan Markle Street from a point approximately one-hundred eighty feet northwest of Houghton Street to a point approximately three-hundred forty feet further northwestwardly therefrom, and placing on the City Plan two rights-of-way for various utility purposes, extending from the proposed cul-de-sac turnaround of Kingsley Court to the proposed termini of Houghton Street and Markle Street 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 Kingsley Court.

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 No. 228 by:

- (a) Placing on the City Plan Kingsley Court from Ridge Avenue, southeast of Walnut Lane, northeastwardly approximately three-hundred fifty-five feet to a cul-de-sac turnaround.
- (b) Striking from the City Plan and vacating the legally open portions of Kingsley Street from a point approximately one-hundred seventy-one feet northwest of Houghton Street to Ridge Avenue.
- (c) Striking from the City Plan Markle Street from a point approximately one-hundred eighty feet northwest of Houghton Street to a point approximately three-hundred forty feet further northwestwardly therefrom.
- (d) Placing on the City Plan a right-of-way for various utility purposes, such as may be necessary, extending from the proposed cul-de-sac turnaround of Kingsley Court to the proposed terminus of Kingsley Street, southwest of Houghton Street.
- (e) Placing on the City Plan a right-of-way for various utility purposes, such as may be necessary, extending from the proposed cul-de-sac turnaround of Kingsley Court to the proposed terminus of Markle Street, southwest of Houghton Street.

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 rights-of-way for various utility purposes authorized in Sections 1(d) and 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 rights-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 other public utility which maintains facilities within the said rights-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (d) 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 Kingsley Court as proposed to be placed on the City Plan by authority of this Ordinance.
- (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 rights-of-way for various utility purposes authorized in Sections 1(d) and 1(e) herein.

SECTION 4. The provisions of The Philadelphia Code, Section 14-2104(3)(g), relating to dead end streets, shall not apply to Kingsley Street and Markle Street as affected by this Ordinance.

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.