



## Legislation Text

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Authorizing the plotting upon a portion of City Plan No. 58 of a two feet wide area for public pedestrian use extending along the southerly side of Pearl Street, from Tenth Street to a point approximately one-hundred thirty-eight feet westwardly therefrom, and the relocation of the curblines of Pearl Street, from Tenth Street to a point approximately one-hundred thirty-eight feet westwardly therefrom, so as to widen the cartway of said Pearl Street, and authorizing the acceptance of the grant to the City of the said area for public pedestrian use, all under certain terms and conditions.

*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 make certain changes affecting a portion of City Plan No. 58 by:

- a) Plotting upon the City Plan a two feet wide area for public pedestrian use extending along the southerly side of Pearl Street, at the ground floor level of the building proposed to be constructed on the abutting property, from Tenth Street to a point approximately one-hundred thirty-eight feet westwardly therefrom.
- b) Relocating the curblines of Pearl Street, from Tenth Street to a point approximately one-hundred thirty-eight feet westwardly therefrom, so as to widen the cartway thereof from six feet eight inches to ten feet.

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 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.
- e) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid area for public pedestrian use authorized in Section 1(a) of this Ordinance. The agreement shall provide that the party in interest shall maintain adequate pedestrian access through the said area at all times and shall be responsible for maintaining the sidewalk paving within the said area in good repair. The agreement shall also provide that no structure, fixture, excavation, obstruction, projection, or other encroachment shall be erected or maintained over, on, in, or under the said area, unless the plans for such encroachments shall first be submitted to and approved by the Department of Streets.

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 area for public pedestrian use authorized in Section 1(a) 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.