

Legislation Text

File #: 140342, **Version:** 0

Authorizing the revision of lines and grades on a portion of City Plan No. 258 by relocating the southeasterly houseline of Tacony Street, from a point approximately one-thousand seven-hundred fifty-seven feet northeast of Bridge Street to a point approximately six-hundred seventy-four feet further northeastwardly therefrom, a variable distance southeastwardly and relocating the southeasterly curbline of Tacony Street, from a point approximately one-thousand five-hundred forty-two feet northeast of Bridge Street to a point approximately nine-hundred ninety-two feet further northeastwardly therefrom, a variable distance southeastwardly and authorizing acceptance of the grant to the City of certain easement areas for public pedestrian use and for traffic signage and signals and equipment adjacent to the southeasterly side of said Tacony Street, 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 revise the lines and grades on a portion of City Plan No. 258 by:

- a) Relocating the southeasterly houseline of Tacony Street, from a point approximately one-thousand seven-hundred fifty-seven feet northeast of Bridge Street to a point approximately six-hundred seventy-four feet further northeastwardly therefrom, a variable distance southeastwardly, thereby widening said Tacony Street.
- b) Relocating the southeasterly curbline of Tacony Street, from a point approximately one-thousand five-hundred forty-two feet northeast of Bridge Street to a point approximately nine-hundred ninety-two feet further northeastwardly therefrom, a variable distance southeastwardly, thereby widening the cartway of said Tacony Street.

SECTION 2. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of certain easement areas adjacent to the southeasterly side of the said widened portion of Tacony Street for public pedestrian use and for traffic signage and signals and equipment.

SECTION 3. 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 owner(s) of property affected thereby, granting to the City the aforesaid easement area for traffic signage and signals and equipment authorized in Section 2 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 easement area or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Department of Streets. 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.

- 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 easement area for public pedestrian use authorized in Section 2 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.

- e) 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 the widened portion of Tacony Street as proposed to be placed on the City Plan by authority of this Ordinance; in lieu thereof, the party in interest shall furnish evidence, satisfactory to the City Solicitor, that a deed of dedication for the said bed of the widened portion of Tacony Street has been filed with and accepted by the Commonwealth of Pennsylvania.

- f) 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 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.