

Legislation Text

File #: 140902, **Version:** 0

Authorizing the revision of lines and grades on a portion of City Plan Nos. 224 and 232 by striking from the City Plan and vacating Cayuga Street from Whitaker Avenue to its terminus eastwardly therefrom and reserving and placing on the City Plan a right-of-way for sewer and drainage purposes within the lines of Cayuga Street being stricken and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-403 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 Nos. 224 and 232 by:

- a) Striking from the City Plan and vacating Cayuga Street from Whitaker Avenue to its terminus approximately five-hundred thirty feet eastwardly therefrom.
- b) Reserving and placing on the City Plan a right-of-way for sewer and drainage purposes within the lines of Cayuga Street being stricken.

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 owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage 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.

- d) The party requesting changes to the City Plan hereunder shall pay into the City Treasury, as reimbursement to the City, the appraised value of the portion of the bed of Cayuga Street having been legally opened by bond and being stricken from the City Plan under authority of Section 1(a) 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 right-of-way for sewer and drainage 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.