

## Legislation Text

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**File #:** 150496-A, **Version:** 2

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Authorizing the revision of lines and grades on a portion of City Plan No. 58 by striking from the City Plan and vacating Melon Street from Park Avenue to Ridge Avenue and striking from the City Plan and abandoning a portion of a right-of-way reserved for drainage purposes and water main purposes in the bed of former Potts Street from Thirteenth Street to Broad Street, south of Fairmount Avenue, all 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 No. 58 by:

- a) Striking from the City Plan and vacating Melon Street from Park Avenue to Ridge Avenue.
- b) Striking from the City Plan and abandoning a portion of a right-of-way reserved for drainage purposes and water main purposes in the bed of former Potts Street from Thirteenth Street to Broad Street, south of Fairmount Avenue, the said portion proposed to be stricken extending from the westerly side of said Thirteenth Street to a point approximately three-hundred sixty-four feet westwardly therefrom.

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 filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the judgment of PGW, PECO, Verizon, or any other public utility which maintains facilities within the areas being affected. The agreement shall provide that this work be completed within one (1) year from the date of confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance;

e) 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;

f) 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 bed of Melon Street being stricken from the City Plan under authority of Section 1(a) of this Ordinance; and

g) 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.

h) The party requesting the changes to the City Plan hereunder (or their successors or assigns) shall obtain a zoning permit from the Department of Licenses and Inspections for that certain commercial mixed use real estate development project evidenced by zoning permit application no. 609996, as approved by the Zoning Board of Adjustment (including any approved administrative modifications thereto); provided, however, that an initial building permit for the property that includes the portion of Melon street described herein shall be for, and shall include, at least 50,000 square feet of retail space. The Board of Surveyors shall not act pursuant to Section 1 of this Ordinance unless the Department of Licenses and Inspections has certified to the Department of Streets that the requesting party has complied with the condition set forth in this subsection (h). No construction shall begin in the area within the existing bed of Melon street described herein until the Board of Surveyors has approved the City Plan change authorized in Section 1.

SECTION 3. 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.

## EXHIBIT "A"

### ECONOMIC OPPORTUNITY PLAN