File #: 150899-A, **Version:** 1

Authorizing the vacating of Byberry Road (not on City Plan) from the terminus of Byberry Road as plotted on the City Plan, approximately one-thousand one-hundred ninety-six feet eastwardly, southwardly, and southeastwardly from Woodhaven Road, to the City of Philadelphia-Bucks County Line, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Board of Surveyors of the Department of Streets is hereby authorized to adopt a resolution and approve a plan vacating Byberry Road (not on City Plan) from the terminus of Byberry Road as plotted on the City Plan, approximately one-thousand one-hundred ninety-six feet eastwardly, southwardly, and southeastwardly from Woodhaven Road, to the City of Philadelphia-Bucks County Line.

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 vacating of a portion of Byberry Road as authorized herein; in lieu thereof, only after the party in interest has demonstrated best efforts to locate any owner or owners of property affected and has been unable to do so, 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 vacating of a portion of Byberry Road as authorized herein.

(c) The party in interest shall furnish evidence, satisfactory to the City Solicitor, that the appropriate public authorities of the township of Bensalem in Bucks County, with which the said portion of Byberry Road, as legally opened, communicates, have been informed of and have no objection to the proposed vacating of the said portion of Byberry Road.

(d) The party in interest shall furnish evidence, satisfactory to the City Solicitor, that an agreement has been executed between and among all of the owners of properties abutting the said portion Byberry Road proposed to be vacated, wherein an easement shall have been established to ensure continued access through the bed of the vacated road to each of the said abutting properties.

(e) The party in interest shall comply with the recommendations of the Civic Design Review Committee of the City Planning Commission, as set forth in the letter dated November 25, 2015 from Gary Jastrzab, Executive Director, to the Commissioner of Licenses and Inspections, to the extent that the City Planning Commission, upon a further review of the proposal, finds such recommendations to be appropriate for the project and the site.

SECTION 3. The provisions of The Philadelphia Code, Section 14-708(5)(g), relating to dead end streets, shall not apply to Byberry Road as affected 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.

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