

## Legislation Text

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Authorizing the revision of lines and grades on a portion of City Plan Nos. 240 and 296 by placing on the City Plan Nixon Street from the existing northwesterly terminus of Nixon Street, northwest of Shawmont Avenue, to Port Royal Avenue (not on City Plan), placing on the City Plan River Road from Port Royal Avenue (not on City Plan) to a point approximately ten feet southeast of the Philadelphia-Montgomery County Line, and placing on the City Plan a right of way for sewer and drainage purposes and water main purposes and emergency access purposes extending from the proposed northwesterly terminus of River Road to the Philadelphia-Montgomery County Line and authorizing the vacating of the legally open portions of Nixon Street and River Road lying outside the lines of Nixon Street and River Road as proposed to be placed on City Plan, all under certain terms and conditions.

**WHEREAS**, River Road (portions now known as Nixon Street), from Domino Lane to the Philadelphia-Montgomery County Line, was opened for public use of a width of forty feet by order of the Court of Quarter Sessions on April 8, 1811; and

**WHEREAS**, a portion of River Road/Nixon Street, extending from a point northwest of Shawmont Avenue northwestwardly to a point near the Philadelphia-Montgomery County Line, is still in use by the public but not plotted on the City Plan; and

**WHEREAS**, portions of said Nixon Street and River Road, as currently paved and used by the public, lie outside of the lines as established in 1811, and development and construction on the adjoining lands has made conformance with the 1811 lines impractical; and

**WHEREAS**, it is desirable to place on City Plan said Nixon Street and River Road, plotting the lines thereof so as to conform more nearly with existing physical conditions;

**NOW, THEREFORE,**

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Pursuant to Section 11-402 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. 240 and 296 by:

a) Placing on the City Plan Nixon Street, extending from the existing northwesterly terminus of Nixon Street as currently plotted on City Plan, approximately seven-hundred eighty-eight feet northwest of Shawmont Avenue, northwestwardly to Port Royal Avenue (not on City Plan). The lines of said Nixon Street being placed shall be plotted at a width of forty feet and shall conform as closely as practical to the physical location of the existing road.

b) Placing on the City Plan River Road, extending from the intersection of Nixon Street, as proposed to be placed on City Plan under authority of this Ordinance, and Port Royal Avenue (not on City Plan) northwestwardly to a point approximately ten feet southeast of the Philadelphia-Montgomery County Line.

The lines of said River Road being placed shall be plotted at a width of forty feet for the portion of said River Road extending from said Port Royal Avenue to the right of way of the former Philadelphia, Germantown, and Norristown Railroad (now the SEPTA Manayunk-Norristown Line) and at a width of thirty feet for the portion of said River Road extending from the said railroad right of way to its proposed terminus northwestwardly therefrom and shall conform as closely as practical to the physical location of the existing road.

c) Placing on the City Plan a right of way for sewer and drainage purposes and water main purposes and emergency access purposes extending from the northwesterly terminus of River Road, as proposed to be placed on City Plan under authority of this Ordinance, northwestwardly to the Philadelphia-Montgomery County Line.

SECTION 2. The placing on the City Plan of Nixon Street and River Road, as authorized in Sections 1(a) and 1(b) herein, shall be conditional upon the filing with the Department of Streets of no fewer than three (3) affidavits of public use for each as required to record the legally open status of said Nixon Street and River Road.

SECTION 3. The placing on the City Plan of a right of way for sewer and drainage purposes and water main purposes and emergency access purposes, as authorized in Section 1(c) herein, shall be conditional upon 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. 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 Department of Streets, and the Office of Emergency Management. 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.

SECTION 4. Effective upon confirmation by the Board of Surveyors of the placing on City Plan of Nixon Street and River Road as authorized herein, the Board of Surveyors is hereby further authorized to adopt a resolution vacating those portions of Nixon Street and River Road, as legally opened by the Court of Quarter Sessions on April 8, 1811 but not on the City Plan, lying outside the lines of Nixon Street and River Road as being plotted on City Plan.

SECTION 5. The following provisions of the Philadelphia Code shall not apply to River Road as affected by this Ordinance:

- (a) Section 11-402(2)(a), relating to dedication by owners or the filing of an agreement.
- (b) Section 14-708(5)(g), relating to dead end streets.
- (c) Section 14-708(5)(h), relating to cul-de-sac streets.
- (d) Section 14-708(5)(i), relating to the widths of streets.
- (e) Section 14-708(5)(j), relating to the alignment of streets.
- (f) Section 14-708(5)(l), relating to street intersections.