City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

# Legislation Text

**File #:** 170556, **Version:** 0

Authorizing the revision of lines and grades on a portion of City Plan No. 308 by striking from the City Plan and vacating certain sub-surface portions and certain aerial portions of Moravian Street from 19th Street to 20th Street, 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 authorized to revise the lines and grades on a portion of City Plan No. 308 by:

a) Striking from the City Plan and vacating a certain sub-surface portion of Moravian Street for a distance of 100 feet from east to west, from a distance of 147 feet from 19th Street to a distance of 149 feet from 20th Street, and for a distance of 15 feet from north to south, limited in vertical dimension to the area below the roof of the sub-surface parking garage to be constructed as part of the Development.

b) Striking from the City Plan and vacating a certain aerial portion of Moravian Street for a distance of 100 from east to west, from a distance of 147 feet from 19th Street to a distance of 149 feet from 20th Street, and for a distance of 15 feet from north to south, extending in vertical dimension above a height of 14 feet, 6 inches above the surface of said portion of Moravian Street.

SECTION 2. The authorization set forth in Section 1 above is conditional upon the Developer entering into, within two years of the date of this Ordinance, one or more agreements (each a "Required Agreement") between the Developer and the appropriate City Department or departments, in form satisfactory to the City Solicitor, providing that, *inter alia*:

(a) the Developer shall, in form satisfactory to the City Solicitor, 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.

(b) the Developer shall, in form satisfactory to the City Solicitor, agree to provide the officers, agents, employees, and contractors of the City, SEPTA, the Gas Works, and any other public utility company which maintains facilities within or adjacent to the Areas with rights of access, ingress, egress, and occupation as may be necessary for the purposes of inspection, maintenance, alteration, relocation, or reconstruction of any of their respective facilities and structures.

(c) the Developer shall pay the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

(d) each Required Agreement shall be recorded and shall run with the land.

(e) the Developer shall furnish the City with a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the

compliance with all the terms and conditions of this Ordinance and the applicable Required Agreement, including the performance of alterations that may be necessary to the portion of Moravian Street above and below the area to be stricken as part of the Development, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance, or use of structures now or hereafter located within the Areas, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Developer self-assumes the liabilities and obligations normally covered by such surety bond.

(f) the Developer shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law, and no such department, board, agency or commission shall be required to issue any such permit, license, or approval solely because this Ordinance has been enacted.

(g) the Developer shall assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by construction with respect to the Areas.

(h) the Developer shall carry public liability and property damage insurance, co-naming the City as an insured party, in such amounts as shall be satisfactory to the City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that the Developer is self-insured and is providing the City the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania.

(i) the Developer shall indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of structures located within the Areas, and the Developer shall also agree to release the City from any and all claims relating to the Areas, including when street, sidewalk or utility construction occurs.

(j) the Developer shall file an agreement, satisfactory to the City Solicitor, to be responsible for maintaining, at its sole cost and expense and without cost to the City, the roadway of Moravian Street, for the entire block length from 19th Street to 20th Street, including, but not limited to, the removal of snow, ice, trash, and debris, as may be necessary, and for resurfacing and restoring the roadway, as may be necessary, including, but not limited to, the wearing surface, base, crosswalks, and pavement markings. The Developer shall also be responsible to maintain and pay all costs associated with the operation of street lighting along such block length, including, but not limited to, fixtures, wiring, conduit, and energization. The Developer shall not widen, narrow, modify, or otherwise alter the roadway of said Moravian Street unless the plans for such alterations have been submitted to and approved by the Department of Streets. The Developer shall be responsible for keeping such block length of Moravian Street open to public traffic and shall not prohibit access to the roadway or sidewalks unless such prohibition has been approved by the Department of Streets. The Required Agreement documenting the requirements of this paragraph (j) shall be binding upon the Developer and the successors and assigns of the Developer that own the Development.

SECTION 3. The various executive officers of the City are hereby authorized to enter into and/or execute, on behalf of the City, all other agreements or documents as are required to be entered into or executed by such officers under the preceding sections of this Ordinance or in order to effectuate the purposes of the agreements or other matters authorized by this Ordinance.

SECTION 4. The City Solicitor shall include in each Required Agreement and any and all other agreements and documents authorized by this Ordinance such other reasonable terms and conditions as the City Solicitor may deem necessary and desirable to protect the interests of the City.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars ($200.00) toward costs thereof is paid by the Developer into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.