



## Legislation Text

**File #: 170824, Version: 0**

Authorizing the revision of lines and grades on a portion of City Plan No. 359 by relocating the southwesterly houseline and curblineline of Byberry Road, from The Roosevelt Boulevard to a point northwestwardly therefrom, and plotting on the City Plan a right-of-way for sewer and drainage purposes, contiguous with the northwesterly side of The Roosevelt Boulevard and extending from Byberry Road southwestwardly to a right-of-way for drainage purposes, all under certain terms and conditions, including the dedication to the City of the bed of the widened portion of Byberry Road being placed on the City Plan.

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

SECTION 1. Pursuant to Section 11-404 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. 359 by:

- a) Relocating the southwesterly houseline of Byberry Road, from The Roosevelt Boulevard to a point approximately four-hundred one feet northwestwardly therefrom, approximately seventeen feet southwestwardly, thereby widening said Byberry Road.
- b) Relocating the southwesterly curblineline of Byberry Road, from The Roosevelt Boulevard to a point approximately three-hundred forty-two feet northwestwardly therefrom, approximately fourteen feet southwestwardly, thereby widening the cartway of said Byberry Road.
- c) Plotting on the City Plan an existing right-of-way for sewer and drainage purposes, previously granted to the City but not plotted on City Plan, approximately twenty-five feet wide and extending along and contiguous with the northwesterly side of The Roosevelt Boulevard from Byberry Road to an existing right-of-way for drainage purposes approximately one-thousand one-hundred ninety feet southwestwardly 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 dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances, of the bed of the widened portion of Byberry Road, as proposed to be placed on the City Plan by authority of this Ordinance.
- d) 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. 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.