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

Legislation Text

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Authorizing the revision of lines and grades on a portion of City Plan No. 44-S by relocating the southeasterly houseline and curbline of Tenth Street, from Packer Avenue to a point southwestwardly therefrom and relocating the northwesterly houseline and curbline of Darien Street, from Packer Avenue to a point southwestwardly therefrom, thereby widening said Tenth Street and said Darien Street, all under certain terms and conditions, including the dedication to the City of the bed of the widened portions of Tenth Street and Darien Street being placed on the City Plan.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-405 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. 44-S by:

a) Relocating the southeasterly houseline of Tenth Street, from Packer Avenue to a point approximately seven-hundred thirty feet southwestwardly therefrom, approximately two and one-half feet southeastwardly, thereby widening said Tenth Street.

b) Relocating the northwesterly houseline of Darien Street, from Packer Avenue to a point approximately six-hundred twenty-two feet southwestwardly therefrom, approximately twelve feet northwestwardly, thereby widening said Darien Street.

c) Relocating the southeasterly curbline of Tenth Street, from Packer Avenue to a point approximately seven-hundred six feet southwestwardly therefrom, a variable distance northwestwardly, thereby widening the southeasterly footway area of said Tenth Street and establishing a curb lay-by/drop-off lane along said Tenth Street.

d) Relocating the northwesterly curbline of Darien Street, from Packer Avenue to a point approximately six -hundred one feet southwestwardly therefrom, a variable distance northwestwardly, thereby widening the cartway of said Darien Street and providing for certain proposed driveway entrances and associated turn-in deceleration lanes.

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.

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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) In accordance with the provisions of Section 11-301(6)(a) of the Philadelphia Code, the party in interest shall file an agreement, satisfactory to the City Solicitor, to provide that the party in interest shall be responsible, at his or her sole cost and expense, for maintaining in good repair the roadway paving within the proposed lay-by/drop-off lane along Tenth Street and the proposed driveway entrances and associated turn-in/deceleration lanes along Darien Street, as authorized in Sections 1(c) and 1(d) of 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 water pipe, fire hydrants, sewers, inlets and manholes, 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 Water Department by reason of the City Plan changes authorized herein. 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 approval by the Board of Surveyors of the City Plan changes authorized by this Ordinance.

e) 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 affected area. 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.

f) 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 Water Department, to cover the cost of the work required under Section 2(d) herein.

g) 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 beds of the widened portions of Tenth Street and Darien Street, as proposed to be placed on the City Plan by authority of this Ordinance.

h) 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.