Legislation Text

File #: 200598, **Version:** 1

Authorizing the striking from City Plan Nos. 40-S, 47-S, and 48-S and abandonment of a certain right-of-way reserved for drainage purposes, located along the former Hartranft Street, west of 26th Street, and extending westwardly therefrom to the Schuylkill River, 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 hereby authorized to strike from City Plan Nos. 40-S, 47-S, and 48-S and abandon a certain right-of-way reserved for drainage purposes located along the former Hartranft Street, west of 26th Street, and extending westwardly therefrom to the Schuylkill River.

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 filing of an agreement, in recordable form, satisfactory to the City Solicitor, by the party in interest, through which the Water Department abandons, in whole or in part, the right-of-way reserved for drainage purposes located along the former Hartranft Street, west of 26th Street, and extending westwardly therefrom to the Schuylkill River and through which the party in interest grants an alternate and comparable drainage right-of-way to the Water Department starting on the west side of 26th Street and extending therefrom to the Schuylkill River; provided, however, that any agreement only partially abandoning the existing right-of-way shall not provide for the remaining right-of-way to be located under any planned building without the express consent of the party in interest;

d) 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 Department of Streets and the Water Department, to cover the cost of any work required under Section 2 of this ordinance; and

e) 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.

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