

Legislation Text

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Authorizing the relocation of the southwesterly curbline of Ridge Avenue, from Calumet Street to a point northwestwardly therefrom, and the northwesterly curbline of Calumet Street, from Ridge Avenue to Kelly Drive, on City Plan No. 163, authorizing the plotting on said City Plan of an area for public pedestrian use extending along the northwesterly side of Calumet Street, from Ridge Avenue to a point southwestwardly therefrom, and authorizing acceptance of the grant to the City of the said area for public pedestrian use, all under certain terms and conditions.

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 make certain changes affecting a portion of City Plan No. 163 by:

- a) Relocating the southwesterly curbline of Ridge Avenue, from the current curbline at its intersection with Calumet Street to a point approximately two-hundred eighty-five feet northwestwardly therefrom, approximately six feet southwestwardly, thereby widening the cartway of said Ridge Avenue by approximately six feet.
- b) Establishing a northwesterly curbline of Calumet Street, from Ridge Avenue to Kelly Drive (a park road, not on City Plan), thereby establishing a variable width footway along the northwesterly side of said Calumet Street and including creating a lay-by lane along a portion of the said northwesterly curbline of Calumet Street, as depicted on the proposed plan attached hereto as Exhibit A.
- c) Plotting upon the City Plan an eight feet wide area for public pedestrian use extending along and contiguous with the northwesterly side of Calumet Street from Ridge Avenue to a point approximately one-hundred thirty-three feet southwestwardly therefrom and limited in vertical dimension to the ground floor level (approximately ten vertical feet clearance) of a structure proposed to occupy the abutting property.

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 locate any owner or owners of property affected and has been unable to do so, 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) 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 the roadway paving within the proposed curb lay-by lane authorized in Section 1(b) of this Ordinance in good repair.

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 curbing, sidewalk paving, cartway paving, water pipe, fire hydrants, sewers, inlets and manholes, street light poles and equipment, 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 Department of Streets and the Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of all existing City-owned street lighting poles and equipment and for their delivery to the storage yard of the Street Lighting Division at 701 Ramona Avenue at no cost to the City. 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 confirmation 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 Department of Streets and the Water Department, to cover the cost of the work required under Section 2(d) herein.

g) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid area for public pedestrian use authorized in Section 1(c) of this Ordinance. The agreement shall provide that the party in interest shall maintain adequate pedestrian access through the said area at all times and shall be responsible for maintaining the sidewalk paving within the said area in good repair. The agreement shall also provide that no structure, fixture, excavation, obstruction, projection, or other encroachment shall be erected or maintained over, on, in, or under the said area, unless the plans for such encroachments shall first be submitted to and approved by the Department of Streets.

SECTION 3. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid area for public pedestrian use authorized in Section 1(c) herein.

SECTION 4. Exhibit "A" to this Ordinance shall be kept on file by the Chief Clerk and shall be available for public inspection.

SECTION 5. 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.