



City of Philadelphia

City Council
Chief Clerk's Office
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Philadelphia, PA 19107

Legislation Text

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Authorizing the revision of lines and grades on portions of City Plan Nos. 98 and 130, in the area lying north of Market Street and Powelton Avenue and west of 42nd Street, by placing on the City Plan Melville Street from Mandela Way to Holden Street, Holden Street from Melville Street to 45th Street, Nehemiah Way from Melville Street to Powelton Avenue, Busti Street from Nehemiah Way to Haverford Avenue, Mandela Way from Melville Street to Busti Street, 45th Street from Mandela Way to Holden Street, and St. Malachy's Way from Melville Street to Busti Street, all under certain terms and conditions, including the dedication to the City of the beds of the said streets being placed.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to revise the lines and grades on portions of City Plan Nos. 98 and 130, in the area lying north of Market Street and Powelton Avenue and west of 42nd Street, by:

- a) Placing Melville Street on the City Plan from Mandela Way to Holden Street;
- b) Placing Holden Street on the City Plan from Melville Street to 45th Street;
- c) Placing Nehemiah Way on the City Plan from Melville Street to Powelton Avenue;
- d) Placing Busti Street on the City Plan from Nehemiah Way to Haverford Avenue;
- e) Placing Mandela Way on the City Plan from Melville Street to Busti Street;
- f) Placing 45th Street on the City Plan from Mandela Way to Holden Street; and
- g) Placing St. Malachy's Way on the City Plan from Melville Street to Busti Street.

Subject to Section 3 below, the authorized locations, configurations and lengths of Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way, St. Malachy's Way and 45th Street are generally shown on the Concept Roadway-North Connection of Westpark Development attached to this Ordinance as Exhibit "A" and incorporated herein by this reference (the "Roadway Plan").

SECTION 2. Subject to the terms and conditions of Section 3 below, this authorization is conditional upon compliance with the following requirements within ten (10) 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 good faith diligent 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 (except for those encumbrances approved by the City Solicitor and the terms and conditions of such approval(s)), of the beds of Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way, St. Malachy's Way and 45th Street as proposed to be placed on the City Plan by authority of this Ordinance;
- d) The filing of an agreement that in the event that water, sewer or stormwater structures constructed or improved under portions of Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way, St. Malachy's Way and 45th Street are offered for public dedication, such structures shall be constructed in accordance with Water Department regulations and Water Department construction standards and specifications, as the same may be modified by agreement between the party in interest and the Water Department. Any such structures and improvements are subject to approval and acceptance for dedication through a private cost agreement with the Water Department in accordance with the applicable provisions Sections 13-306 and 13-406 of the Philadelphia Code subject to such terms and requirements as the City Solicitor determines are satisfactory;
- 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;
- 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 any work which may be necessary in the judgment of the Water Department by reason of the City Plan changes authorized herein; and
- g) The party in interest shall agree to grant a pedestrian easement or right-of-way (in form and substance satisfactory to the City Solicitor) connecting Holden Street to the subway station along Market Street generally consistent with the depiction on the Roadway Plan.

SECTION 3. Prior to placing Busti Street on the City Plan between Mandela Way and Haverford Avenue, such placement of that portion of Busti Street must be approved by the Department of Parks and Recreation; provided, however, that such approval shall not occur until the Department of Parks and Recreation has assessed the impacts to Lee Cultural Center and has adequately addressed how to appropriately mitigate such impacts. As part of such assessment of impacts to Lee Cultural Center (and mitigation strategies), the Department of Parks and Recreation shall convene at least three public meetings that include community stakeholders and permitted users of Lee Cultural Center as identified and prescribed by the Councilmember for the Third Council District, create a document summarizing how park features and amenities will be relocated as a result of this street placement, and the District Councilmember shall send a letter to Parks and Recreation confirming review of the document and agreement with the mitigation strategies.

SECTION 4. The Board of Surveyors is hereby authorized to make such modifications to the location, configuration, lengths and widths of Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way,

St. Malachy's Way and 45th Street, as the case may be, so long as the same are generally consistent with the Roadway Plan and in compliance with the terms and conditions of this Ordinance.

SECTION 5. As provided in Section 11-402(3) of the Philadelphia Code, the grant of authority to place of Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way, St. Malachy's Way and/or 45th Street as the case may be, upon the City Plan, authorizes the revisions of the lines and grades of the intersecting and adjacent streets affected, including relocation of curblines and houselines.

SECTION 6. Consistent with Section 11-405 of the Philadelphia Code, the Board of Surveyors may, subject to the terms and conditions of this Ordinance, place Melville Street, Holden Street, Nehemiah Way, Busti Street, Mandela Way, St. Malachy's Way and/or 45th Street on the City Plan either individually (including portions thereof) or together during the ten (10) year period referenced in Section 2 above in order to facilitate the orderly and timely redevelopment of the abutting property.

SECTION 7. The City Solicitor is hereby authorized to review and approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

SECTION 8. Attached to this Ordinance as Exhibit "B" and incorporated herein by this reference is a traffic demand analysis that was relied upon the Department of Streets in reviewing the Roadway Plan.

SECTION 9. 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.