Legislation Text

File #: 250008, **Version:** 0

Authorizing the vacating of Clarion Street from Addison Street to its terminus northwardly therefrom and the reserving and plotting upon City Plan No. 308 of a right-of-way for sewer and drainage purposes and water main purposes within the lines of said Clarion Street being vacated and authorizing acceptance of the grant to the City of the said right of way, under certain terms and conditions.

WHEREAS, Clarion Street, from Addison Street to a terminus northwardly therefrom, was opened for public use by a dedication made on May 6, 1847, but was not plotted on the City Plan; and

WHEREAS, the abutting property owners have requested that the City vacate its rights in the bed of said Clarion Street; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Board of Surveyors of the Department of Streets is hereby authorized to adopt a resolution and approve a plan vacating Clarion Street from Addison Street to its terminus approximately fifty-two northwardly therefrom, within the area designated as City Plan No. 308.

SECTION 2. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby further authorized to reserve and plot upon the said City Plan No. 308 a right-of-way for sewer and drainage purposes and water main purposes within the lines of said Clarion Street being vacated.

SECTION 3. 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 actions 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 said street vacating authorized herein.

c) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid right-of-way for sewer and drainage purposes and water main purposes authorized in Section 2 of this Ordinance. The agreement shall provide that no changes in grades shall be made and that no fences, buildings, or other structures, either overhead, underground, or upon the surface, shall be constructed within the lines of the right of way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department. The agreement shall also grant the right of access

and occupation at any and all times to the officers, agents, employees, and contractors of the City for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

SECTION 4. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid right of way for sewer and drainage purposes and water main purposes authorized in Section 2 herein.

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.

powered by Legistar™