



City of Philadelphia

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

BILL NO. 110182

Introduced March 10, 2011

Councilmember Krajewski

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing the plotting upon City Plan Nos. 258 and 270 of two rights-of-way for sewer and drainage purposes in the area lying southeast of Tacony Street and southwest of former Vankirk Street, within the property formerly known as the Frankford Arsenal, and authorizing acceptance of the grant to the City of the said rights-of-way, under certain terms and conditions.

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 approve the plotting upon City Plan Nos. 258 and 270 of two rights-of-way for sewer and drainage purposes in the area lying southeast of Tacony Street and southwest of former Vankirk Street, within the property formerly known as the Frankford Arsenal, the said rights-of-way being more particularly delineated and described in Exhibits "A," "B," and "C" attached hereto.

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 or owners 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 indemnify 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) The filing of an agreement, satisfactory to the City Solicitor, by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for sewer and drainage purposes authorized in Section 1 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 3. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid rights-of-way for sewer and drainage purposes authorized in Section 1 herein.

SECTION 4. Exhibits “A,” “B,” and “C” 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.

EXHIBIT "B"

January 20, 2011
3633101

**LEGAL DESCRIPTION
SANGER STREET SANITARY SEWER EASEMENT
P/O TMP# 884212100
CITY OF PHILADELPHIA
PHILADELPHIA COUNTY, COMMONWEALTH OF PENNSYLVANIA**

All that certain easement, lying and being in the City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania, as shown on a plan entitled "Shopping Center at the Arsenal, Proposed Sanitary Sewer Easement Plan" by Langan Engineering & Environmental Services, Drawing No. EXHIBIT-1C, dated 11-19-10, last revised 1-19-11, and being more particularly bounded and described as follows,:

Beginning at a point in the southeasterly right-of-way line of Tacony Street, said point being found a distance of feet 220.36 feet (220.91 U.S.) on a bearing of South 50°57'33" West from the existing northerly property corner of TMP# 884212100, and running thence from said Point of Beginning;

1. Passing, over, into, and through TMP# 884212100, South 35°40'47" East, a distance of 463.68 feet (464.84 U.S.) to a point; thence
2. Continuing through the same, South 35°29'55" East, a distance of 388.46 feet (389.43 U.S.) to a point; thence
3. Continuing through the same, South 36°26'51" East, a distance of 299.45 feet (300.20 U.S.) to a point; thence
4. Continuing through the same, South 65°33'46" East, a distance of 61.50 feet (61.66 U.S.) to a point; thence
5. Continuing through the same, South 36°26'51" East, a distance of 365.39 feet (366.30 U.S.) to a point; thence
6. Continuing through the same, South 37°01'13" East, a distance of 102.13 feet (102.37 U.S.) to a point; thence
7. Continuing through the same, South 11°44'31" East, a distance of 63.59 feet (63.75 U.S.) to a point; thence
8. Along the southeasterly property line of TMP# 884212100, South 25°25'07" West, a distance of 68.53 feet (68.70 U.S.) to a point; thence
9. Passing, over, into, and through TMP# 884212100, North 35°41'05" West, a distance of 45.47 feet (45.58 U.S.) to a point; thence

10. Continuing through the same, North 11°44'31" West, a distance of 63.22 feet (63.38 U.S.) to a point; thence
11. Continuing through the same, North 37°01'13" West, a distance of 89.01 feet (89.23 U.S.) to a point; thence
12. Continuing through the same, North 36°26'51" West, a distance of 175.78 feet (176.22 U.S.) to a point; thence
13. Continuing through the same, North 53°38'35" West, a distance of 166.47 feet (166.89 U.S.) to a point; thence
14. Continuing through the same, North 37°44'50" East, a distance of 51.15 feet (51.28 U.S.) to a point; thence
15. Continuing through the same, North 65°33'46" West, a distance of 61.50 feet (61.66 U.S.) to a point; thence
16. Continuing through the same, North 36°26'51" West, a distance of 316.89 feet (317.68 U.S.) to a point; thence
17. Continuing through the same, North 35°29'55" West, a distance of 388.86 feet (389.83 U.S.) to a point; thence
18. Continuing through the same, North 35°40'47" West, a distance of 460.07 feet (461.22 U.S.) to a point in the southeasterly right-of-way line of Tacony Street; thence
19. Along said right-of-way line, North 50°57'33" East, a distance of 59.95 feet (60.10 U.S.) to the Point and Place of Beginning.

The above described easement encompassing an area of 2.528 acres of land (U.S.), more or less.

Subject to the findings of a current, comprehensive title report for the parent tract.

The above described easement being shown on the above reference plan by Langan Engineering & Environmental Services.

DRAFT

Kenneth T. Schilling, Pa. Lic. No. 41495-R **Date**

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EXHIBIT "C"

January 20, 2011
3633101

LEGAL DESCRIPTION
LOWER LEVEL INTERCEPTOR SANITARY SEWER EASEMENT
P/O TMP# 884212100
CITY OF PHILADELPHIA
PHILADELPHIA COUNTY, COMMONWEALTH OF PENNSYLVANIA

All that certain easement, lying and being in the City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania, as shown on a plan entitled "Shopping Center at the Arsenal, Proposed Sanitary Sewer Easement Plan" by Langan Engineering & Environmental Services, Drawing No. EXHIBIT-1C, dated 11-19-10, last revised 1-19-11, and being more particularly bounded and described as follows,:

Beginning at a point in the Frankford Creek, said point being found a distance of 713.80 feet (715.58 U.S.) on a bearing of North 58°24'54" West from the southeasterly property corner of TMP# 884212100, and running thence from said Point of Beginning;

1. Along the Frankford Creek, North 58°24'54" West, a distance of 66.92 feet (67.09 U.S.) to a point; thence
2. Passing, over, into, and through TMP# 884212100, North 58°09'24" East, a distance of 182.36 feet (182.82 U.S.) to a point; thence
3. Continuing through the same, North 28°53'55" East, a distance of 91.38 feet (91.62 U.S.) to a point; thence
4. Continuing through the same, North 29°59'48" East, a distance of 343.31 feet (344.17 U.S.) to a point; thence
5. Continuing through the same, North 37°44'50" East, a distance of 189.42 feet (189.89 U.S.) to a point; thence
6. Continuing through the same, North 39°09'10" East, a distance of 215.13 feet (215.67 U.S.) to a point; thence
7. Along the northeasterly property line of TMP# 884212100, South 37°28'27" East, a distance of 61.52 feet (61.67 U.S.) to a point; thence
8. Passing, over, into, and through TMP# 884212100, South 39°09'10" West, a distance of 200.17 feet (200.67 U.S.) to a point; thence
9. Continuing through the same, South 37°44'50" West, a distance of 184.63 feet (185.09 U.S.) to a point; thence

10. Continuing through the same, South 29°59'48" West, a distance of 338.68 feet (339.53 U.S.) to a point; thence

11. Continuing through the same, South 28°53'55" West, a distance of 106.44 feet (106.71 U.S.) to a point; thence

12. Continuing through the same, South 58°09'24" West, a distance of 168.05 feet (168.47 U.S.) to the Point and Place of Beginning.

The above described easement encompassing an area of 1.394 acres of land (U.S.), more or less.

Subject to the findings of a current, comprehensive title report for the parent tract.

The above described easement being shown on the above reference plan by Langan Engineering & Environmental Services.

DRAFT

Kenneth T. Schilling, Pa. Lic. No. 41495-R **Date**

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