



City of Philadelphia

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

BILL NO. 120723

Introduced September 20, 2012

Councilmember Johnson

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

AN ORDINANCE

Authorizing the striking from City Plan No. 357 of a certain right-of-way reserved for drainage purposes in the area lying northeast of Island Avenue and northwest of Bartram Avenue and the plotting upon the said City Plan of a new right-of-way for drainage purposes in an alternate location within the same area and authorizing acceptance of the grant to the City of the said right-of-way being plotted, 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 make certain changes affecting the lines of City utility rights-of-way on a portion of City Plan No. 357, within the area lying northeast of Island Avenue and northwest of Bartram Avenue, by:

- a) Striking from the City Plan and abandoning a certain right-of-way reserved for drainage purposes which extends from a point on the northeasterly side of Island Avenue, approximately eighty-six feet northwest of Bartram Avenue, northeastwardly to a second certain right-of-way reserved for drainage purposes, which extends from a point on the said northeasterly side of Island Avenue, approximately eight-hundred thirteen feet northwest of said Bartram Avenue, southeastwardly to a point on the northwesterly side of said Bartram Avenue, approximately five-hundred thirty-one feet northeast of said Island Avenue.
- b) Plotting on the City Plan a right-of-way for drainage purposes extending from a point on the said northeasterly side of Island Avenue, approximately one-hundred thirty-five feet northwest of Bartram Avenue, northeastwardly to the said second certain right-of-way reserved for drainage purposes, which extends from said Island Avenue to said Bartram Avenue.

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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, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to water pipe, fire hydrants, sewers, inlets and manholes, 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 Water Department by reason of the City Plan changes authorized herein. 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 approval by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- 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 Water Department, to cover the cost of the work required under Section 2(c) herein.
- e) 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 drainage purposes authorized in Section 1(b) 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

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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 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 right-of-way for drainage purposes authorized in Section 1(b) herein.

SECTION 4. 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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