



City of Philadelphia

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

BILL NO. 060703

Introduced September 21, 2006

Councilmember Kelly

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

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 344 by placing on the City Plan Sunshine Lane and Solar Way and a 50' wide right-of-way for drainage purposes and a variable width right-of-way for drainage purposes under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the beds of Sunshine Lane and Solar Way.

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 authorized and directed to revise the lines and grades on a portion of City Plan No. 344 by:

- a. Placing on the City Plan Sunshine Lane from Maple Lane to Solar Way.
- b. Placing on the City Plan Solar Way from Sunshine Lane southwestwardly approximately 135' to a dead end turnaround.
- c. Placing on the City Plan Solar Way from Sunshine Lane eastwardly and southeastwardly approximately 231' to a dead end turnaround.
- d. Placing on the City Plan a 50' wide right-of-way for drainage purposes from Solar Way northeastwardly to a property line approximately 101'.
- e. Placing on the City Plan a variable width right-of-way for drainage purposes along the southwesterly side of Sunshine Lane from Solar Way southeastwardly to Maple Lane approximately 189'.

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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 Law Department, 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, provided that, only after the party in interest has demonstrated best efforts to obtain such agreement and such efforts are unsuccessful, in lieu thereof, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.
- b. The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.
- c. The dedication to the City, without cost and free and clear of all encumbrances, of the beds of Sunshine Lane and Solar Way, as proposed to be placed on the City Plan by the authority of this Ordinance.
- d. The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage purposes in Sections 1(d) and 1(e) 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 Philadelphia Water Department. The agreement shall also grant the right-of-

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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.

- 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.

SECTION 3. 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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