

City of Philadelphia



(Bill No. 060730)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 278 by placing on the City Plan Delaware Avenue from Hellerman Street to Magee Avenue and by placing Magee Avenue from Delaware Avenue to New State Road, under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the beds of Delaware Avenue and Magee Avenue being placed under authority of this Ordinance and also dedication to the City, free and clear of all encumbrances of a portion of the bed of Delaware Avenue between Levick Street and Hellerman Street not previously opened.

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. 278 by:

- (a) Placing on the City Plan Delaware Avenue from Hellerman Street to Magee Avenue.
- (b) Placing on the City Plan Magee Avenue from Delaware Avenue to New State Road.

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; in lieu thereof, only after the party in interest has demonstrated best efforts to locate any owner or owners of property affected and has been unable to do so, 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.

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(c) The dedication to the City, without cost and free and clear of all encumbrances, of the beds of Delaware Avenue and Magee Avenue as proposed to be placed on the City Plan by the authority of this Ordinance.

(d) The dedication to the City, without cost and free and clear of all encumbrances, of a portion of the bed of Delaware Avenue between Levick Street and Hellerman Street not previously opened.

(e) Section 14-2104(5)(.4) of The Philadelphia Code regarding the minimum width of streets shall not apply to this Ordinance.

(f) 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 26, 2006. The Bill was Signed by the Mayor on November 16, 2006.



Patricia Rafferty
Chief Clerk of the City Council