

City of Philadelphia



(Bill No. 070504)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 197 by striking from the City Plan and vacating the legally open portions of Casper Street from Tioga Street to Russell Street, striking from the City Plan Russell Street from Casper Street southeastwardly approximately 310 feet to a dead end, and striking from the City Plan and abandoning a certain drainage right-of-way, and by reserving and placing on the City Plan rights-of-way for water main purposes, drainage purposes, and public utility purposes within the beds of the streets being stricken by authority of this Ordinance, if necessary, 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 authorized and directed to revise the lines and grades on a portion of City Plan No. 197 by:

- (a) Striking from the City Plan and vacating the legally open portions of Casper Street from Tioga Street to Russell Street.
- (b) Striking from the City Plan Russell Street from Casper Street southeastwardly approximately 310 feet to a dead end.
- (c) Striking from the City Plan and abandoning a certain 50 feet wide and 20 feet wide drainage right-of-way which extends from Ontario Street to the dead-end of Russell Street.
- (d) Reserving and placing on the City Plan rights-of-way for water main purposes, drainage purposes, and public utility purposes within the beds of the streets being stricken by authority of this Ordinance, if necessary.

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

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agreement and bond with corporate surety, satisfactory to the City Solicitor, to indemnify the City as aforesaid.

- (b) The filing of an agreement, satisfactory to the City Solicitor, by the Philadelphia Port Authority, 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 filing of an agreement, satisfactory to the City Solicitor, by the Philadelphia Port Authority, agreeing to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, water pipe, fire hydrants, sewers, inlets and manholes, street light poles and equipment, 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 Department of Streets and Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of all existing City owned street lighting poles and equipment and for their delivery to the storage yard of the Street Lighting Division at 701 Ramona Avenue, at no cost to the City. 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 confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- (d) The filing of an agreement by the owner or owners of property affected thereby, granting to PGW, PECO, and the City the aforesaid rights-of-way for water main purposes, drainage purposes, and public utility purposes authorized in Section 1(d) of this Ordinance, if necessary. 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 PGW, PECO and the City. The agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of PGW, PECO and the City for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (e) The Philadelphia Port Authority shall file a bond with corporate surety, satisfactory to the City Solicitor, and in an amount satisfactory to the Department of Streets, to cover the cost of the work required under Section 2(c).

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 14, 2007. The Bill was Signed by the Mayor on July 3, 2007.



Patricia Rafferty
Chief Clerk of the City Council