

# City of Philadelphia



(Bill No. 080948)

## AN ORDINANCE

Authorizing and directing the revision of a portion of City Plan No. 231 by changing the grades of Cross Street from Gates Street to Hermitage Street and Gates Street from Silverwood Street to Cross Street in order to conform more closely with existing physical conditions, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Pursuant to Section 11-404 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized to revise the grades on a portion of City Plan No. 231 by:

- (a) Changing the grades of Cross Street from Gates Street to Hermitage Street in order to conform more closely with existing physical conditions.
- (b) Changing the grades of Gates Street from Silverwood Street to Cross Street in order to conform more closely with existing physical conditions.

**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.
- (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 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.** The provisions of The Philadelphia Code, Section 14-2104(7), relating to the grades of streets shall not apply to Cross Street as affected by this Ordinance.

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**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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 5, 2009. The Bill was Signed by the Mayor on February 25, 2009.



Patricia Rafferty  
Chief Clerk of the City Council