

City of Philadelphia



(Bill No. 020074)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 107 of an area bounded by Fairmount avenue, Forty-fourth street, Haverford avenue and Forty-sixth street, by striking from the City Plan and vacating Melville place from Fairmount avenue to a dead-end southwardly, Lex street from Fairmount avenue to Melon place, and Melon place from Forty-fourth street to a dead-end westwardly; by striking from the City Plan and vacating the southernmost thirty-eight (38) feet wide portion of Fairmount avenue from a point eighty (80) feet east of Melville place to a point eighty (80) feet west of Lex street; and by striking from the City Plan and abandoning a certain fourteen (14) foot wide right-of-way extending from Melville place to Forty-sixth street, and a certain variable width right-of-way extending from Melon place to former Wallace street, 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. 107 by:

- (a) Striking from the City Plan and vacating:
 - (1) Melville place from Fairmount avenue to a dead-end southwardly.
 - (2) Lex street from Fairmount avenue to Melon place.
 - (3) Melon place from Forty-fourth street to a dead-end westwardly.
 - (4) The southernmost thirty-eight (38) feet wide portion of Fairmount avenue from a point eighty (80) feet east of Melville place to a point eighty (80) feet west of Lex street.
- (b) Striking from the City Plan and abandoning:
 - (1) A certain fourteen (14) foot wide right-of-way for sewer venting purposes extending from Melville place to Forty-sixth street.
 - (2) A certain variable width right-of-way for sewer purposes extending from Melon place to former Wallace street.

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SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year 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 obtain such agreements and such efforts are unsuccessful, 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 filing of an agreement, satisfactory to the Law Department, by the party in interest, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, 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 Department of Streets and 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 delivery to the storage yard of the Water Department located at Twenty-ninth street and Cambria street at no cost to the City and 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 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 (1) year from the date of confirmation by the Board of Surveyors on the City Plan changes authorized by this Ordinance.
- (d) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).
- (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 sixty (60) 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 April 4, 2002. The Bill was Signed by the Mayor on April 8, 2002.



Marie B. Hauser
Chief Clerk of the City Council