



City of Philadelphia

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

BILL NO. 110718

Introduced October 13, 2011

Councilmember DiCicco

**Referred to the
Committee on Rules**

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan Nos. 146 and 271 by relocating the northwesterly and southeasterly curblines of North Delaware Avenue, from Frankford Avenue to Marlborough Street, to establish certain curb bump-outs and lay-bys, striking from the City Plan a right-of-way within the lines of former Shackamaxon Street from the southeasterly side of North Delaware Avenue to the Pierhead Line of the Delaware River and placing on the City Plan a right-of-way for water main purposes, drainage purposes and public utility purposes approximately 200 feet northeast of former Shackamaxon Street from the southeasterly side of North Delaware Avenue to the Pierhead Line of the Delaware River, 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 hereby authorized to revise the lines and grades on a portion of City Plan Nos. 146 and 271 by:

- (a) Relocating portions of certain curblines on the northwesterly and southeasterly sides of North Delaware Avenue within the area bounded by Frankford Avenue and Marlborough Street to establish certain curb bump-outs and lay-bys for the purposes of improving the safety of pedestrians and facilitating traffic flow.
- (b) Striking from the City Plan and abandoning a 60 feet wide right-of-way for water main purposes, drainage purposes and public utility purposes within the lines of former Shackamaxon Street.

City of Philadelphia

BILL NO. 110718 continued

- (c) Placing on the City Plan a 60 feet wide right-of-way for water main purposes, drainage purposes and public utility purposes extending from the southeasterly side of North Delaware Avenue with a centerline at the distance of approximately 200 feet northeast of the centerline of former Shackamaxon Street, extending southeastwardly to the Pierhead Line of the Delaware River.

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 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 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 party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the City Solicitor, 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 the 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.

City of Philadelphia

BILL NO. 110718 continued

- (d) The party requesting changes to the City Plan hereunder 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).
- (e) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for water main purposes, drainage purposes and public utility purposes authorized in Section 1(b) and Section 1(c) 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 Water Department. The agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of the Water Department for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (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.

City of Philadelphia

BILL NO. 110718 continued