

City of Philadelphia



Philadelphia, October 17, 2005

CERTIFICATION: This is to certify that Bill No. 050362-A was presented to the Mayor on the twenty-ninth day of September, 2005, and was not returned to the Council with his signature at a meeting held October 17, 2005 (being more than ten days after it had been presented to him.).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council

(Bill No. 050362-A)

AN ORDINANCE

Authorizing Brandywine Realty Trust, 401 Plymouth Road, Plymouth Meeting, PA, 19462, its successors and assigns, to install, construct, own and maintain underground electrical service conduit, lighting bollards, and other facilities on, under and along the north footway of Arch Street, between 29th Street and 30th Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Brandywine Realty Trust, its successors and assigns, is hereby authorized to install, construct, own and maintain an underground electrical service conduit, twenty-three (23) lighted bollards, four (4) reinforced concrete planters, eight (8) decorative light fixtures mounted on the planters, ornamental fencing mounted on the planters and one (1) "Cira Center" marker mounted in a planter on, under and along the north footway of Arch Street, between 29th Street and 30th Street, as set forth in the plan attached to this Ordinance at Exhibit A, under certain terms and conditions.

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SECTION 2. The installation, construction, use and maintenance of the underground electrical service conduit, twenty-three (23) lighted bollards, four (4) reinforced concrete planters, eight (8) decorative light fixtures mounted on the planters, ornamental fencing mounted on the planters and one (1) “Cira Center” marker mounted in a planter on, under and along the north footway of Arch Street, between 29th Street and 30th Street, as set forth in the plan attached to this Ordinance at Exhibit A, shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Brandywine Realty Trust must first obtain, or have their contractor(s) obtain, all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights and privileges under this Ordinance, Brandywine Realty Trust shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Brandywine Realty Trust shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the underground electrical conduit, twenty-three (23) lighted bollards, four (4) reinforced concrete planters, eight (8) decorative light fixtures mounted on the planters, ornamental fencing mounted on the planters and one (1) “Cira Center” marker mounted in a planter on, under and along the north footway of Arch Street, between 29th Street and 30th Street, without cost or expense to the City and shall restore the cartway and footways of Arch Street, between 29th Street and 30th Street, at no cost and expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets, and in a form satisfactory to the Law Department, to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the installation, construction, maintenance or use of the various structures or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Brandywine Realty Trust self-assumes liabilities and obligations normally covered by Surety Bond;

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- (c) provide written proof that PECO Energy Company has approved the location, design and connection of the electrical conduit to any existing PECO facilities;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by the reason of the installation, maintenance and construction of the various structures;
- (e) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Brandywine Realty Trust is self insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors for the various structures carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department; and
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way of Arch Street, from 29th Street to 30th Street.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Brandywine Realty Trust to install, construct, own and maintain the underground electrical service conduit, twenty-three (23) lighted bollards, four (4) reinforced concrete planters, eight (8) decorative light fixtures mounted on the planters, ornamental fencing mounted on the planters and one (1) “Cira Center” marker mounted in a planter on, under and along the north footway of Arch Street, between 29th Street and 30th Street, as set forth in the plan attached to this Ordinance at Exhibit A, shall expire without any further action by the City of Philadelphia if Brandywine Realty Trust has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

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SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.