

# City of Philadelphia



(Bill No. 110734)

## AN ORDINANCE

Authorizing Neighbors of Overbrook Association, located at 933 N. 65th Street, Philadelphia, PA (“Owner”) to construct, own and maintain an encroachment of a sign on the traffic island located on Lebanon Avenue at the intersection of Wynnewood Road (“Property”), under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Owner, to construct, own and maintain a sign encroachment at the Property, as follows:

One (1) sign approximately five feet-two inches (5’-2”) wide and four feet-ten inches (4’-10”) high, stating “Welcome to Overbrook.” The sign will be placed within the City right-of-way on the traffic island located on Lebanon Avenue at the intersection of Wynnewood Road.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Owner must first 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, Owner shall enter into an agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the Law Department, in which Owner shall agree to:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department, to insure compliance with all the terms and conditions of this Ordinance and the aforementioned Agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the various existing sidewalk encroachments described in Section 1;

(c) comply with the provisions of The Philadelphia Code, thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

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(d) absorb all costs and expenses when, at the determination of the City of Philadelphia, the sign encroachment described in Section 1 necessitates relocation and/or removal of any underground structure, either publicly or privately owned, and that such work will be at no cost to the City;

(e) insure that the existing sign encroachment described in Section 1 is no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) 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; and

(g) remove the existing sign encroachment described in Section 1 within thirty (30) days upon service of lawful written notice from the Streets Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted by this Ordinance shall automatically terminate without any further legislative action by the City of Philadelphia when the sign authorized by Section 1 of this Ordinance is no longer being used by Owner for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Owner to construct, own and maintain the sign described in Section 1 shall expire without any further action by the City of Philadelphia if Owner has not entered into the Agreement that is required by Section 2 within one (1) year after this Ordinance becomes law.

SECTION 6. 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 the date 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 December 8, 2011. The Bill was Signed by the Mayor on December 21, 2011.



Michael A. Decker  
Chief Clerk of the City Council