



City of Philadelphia

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

BILL NO. 060439

Introduced May 18, 2006

Councilmember Miller

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing Temple University, 1601 North Broad Street, Philadelphia, PA 19122, its successors and assigns, to construct an overhead pedestrian bridge crossing the 1400 block of West Tioga Street, connecting a proposed medical school building with Kresge Hall within the Temple University campus, under certain terms and conditions.

WHEREAS, Temple University is the owner of properties located at 3440 and 3500 N. Broad Street, Philadelphia, PA 19122; and

WHEREAS, Temple University has requested permission to construct, own and maintain an overhead pedestrian bridge crossing the 1400 block of West Tioga Street, connecting a proposed medical school building with Kresge Hall within the Temple University campus; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Temple University, its successors and assigns, is hereby authorized to construct, own and maintain an overhead pedestrian bridge crossing the 1400 block of West Tioga Street as follows:

The structure spans the entire right-of-way of Tioga Street, approximately fifty feet (50'), with a minimum vertical clearance of thirty-two feet ten inches (32'-10") above W. Tioga Street. The centerline of the structure is located approximately one hundred and six feet ten inches (106'-10") west of the west curb line of N. Broad Street. The structure is approximately ten feet four inches (10'-4") wide.

SECTION 2. The construction, use and maintenance of the overhead pedestrian bridge listed in Section 1 shall be in accordance with the laws, rules and regulations of the City

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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, Temple University 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, Temple University shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Temple University shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the overhead pedestrian bridge without cost or expense to the City and shall restore the cartway and footways of W. Tioga 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 construction, maintenance or use of the overhead pedestrian bridge or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Temple University self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may

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be necessary by the reason of the construction of the overhead pedestrian bridge;

- (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 Temple University 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 overhead pedestrian bridge 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 W. Tioga 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 Temple University to construct, own and maintain the overhead pedestrian bridge described in Section 1 shall expire without any further action by the City of Philadelphia if Temple University 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.

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.

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