

City of Philadelphia



(Bill No. 080382)

AN ORDINANCE

Authorizing Mariner Commercial Properties, Inc., owner and developer of 1441 Chestnut Street to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development, all under certain terms and conditions.

WHEREAS, Mariner Commercial Properties, Inc. located at 9 Cricket Terrance, Ardmore, PA 19003 is the owner and developer for the lot(s) commonly known as 1441 Chestnut Street, Philadelphia, PA; and

WHEREAS, Mariner Commercial Properties, Inc. has requested permission to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development and streetscape project; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Mariner Commercial Properties, Inc., its successors and assigns, is hereby authorized to construct, own and maintain the following structures appurtenant to 1441 Chestnut Street:

Building Encroachments on Chestnut Street

Rigid Canopy:

The proposed canopy is approximately 124 feet wide, and has a minimum height of approximately sixteen feet (16'). The canopy projects approximately thirteen feet (13') onto the north footway of Chestnut Street leaving a minimum of approximately three feet (3') clear from the curbline.

Cornice:

Two cornices are proposed: The first cornice is approximately 124 feet wide, and has a minimum height of approximately fifty-four feet (54'). The cornice is at various widths with the most at approximately three feet (3') located at the centerline.

Sun-controlled Cornice:

The second proposed cornice is an architectural projection placed to limit the impact of sunlight below. This cornice is approximately 124 feet wide, and has a minimum height

City of Philadelphia

BILL NO. 080382 continued

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of approximately one hundred and fifty feet (150'). The cornice is at various widths with the most at approximately six feet (6') located at the centerline.

Balcony:

The proposed balcony is approximately 124 feet wide and has a minimum height of approximately seventy-eight feet (78'). The balcony projects approximately two feet (2') onto the north footway of Chestnut Street.

Bay Window:

The proposed bay window is approximately ninety feet (90') wide and has a minimum height of approximately 158' feet. The bay window projects approximately three feet (3') onto the north footway of Chestnut Street.

Angle Bay Window:

The proposed angle bay window is approximately thirteen feet (13') wide and has a minimum height of approximately 109' feet. The bay window projects approximately two feet (2') onto the north footway of Chestnut Street.

Building Encroachment on 15th Street

Light Box:

The proposed light box is approximately twenty-three feet (23') wide and has a minimum height of approximately eighteen feet (18'). The light box projects approximately two feet (2') onto the east footway of 15th Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Mariner Commercial Properties, Inc. 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, Mariner Commercial Properties, Inc. shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, to provide that Mariner Commercial Properties, Inc. shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure

City of Philadelphia

BILL NO. 080382 continued

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compliance with all of 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 construction, use or maintenance of the various encroachments, over the footway of Chestnut and 15th Streets;

(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;

(d) agree in writing that when, at the determination of the City of Philadelphia, the various encroachments over the footway of Chestnut and 15th Streets necessitate relocation and/or removal of any underground structure, either publicly or privately owned, Mariner Commercial Properties, Inc. will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) remove the various encroachments over the footway of Chestnut and 15th Streets within one-hundred and eighty (180) days upon service of lawful written notice from the Streets Department;

(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, or in lieu thereof, submit documentation in form and content acceptable to the City that Mariner Commercial Properties, Inc. 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;

(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 any affected streets aforesaid.

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

SECTION 4. The permission granted to Mariner Commercial Properties, Inc. to construct, use and maintain various encroachments over the footway of Chestnut and 15th Streets shall expire without any further action by the City of Philadelphia if Mariner Commercial Properties, Inc. has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

City of Philadelphia

BILL NO. 080382 continued

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SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) is paid into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 080382 continued

Certified Copy

City of Philadelphia

BILL NO. 080382 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 12, 2008. The Bill was Signed by the Mayor on June 18, 2008.



Patricia Rafferty
Chief Clerk of the City Council