

City of Philadelphia



(Bill No. 260095)

AN ORDINANCE

Authorizing the installation, ownership and maintenance of an elevator encroachment in the vicinity of 3400 Aramingo Ave, Philadelphia, PA 19134, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to IMPERIAL/ARAMINGO LIMITED (the "Owner"), to install, own and maintain encroachments (collectively, the "Encroachment") in the vicinity of 3400 Aramingo Ave, Philadelphia, PA 19134 as specified in the Encroachments Description below, subject to all restrictions set forth in this ordinance:

Encroachment Description:

Property: 3400 Aramingo Ave, Philadelphia, PA 19134 (the "Property")

A proposed enclosure elevator will be located along the property line of 3400 Aramingo Avenue and will encroach a distance of approximately seven feet (7'-0") towards the south along the north footway of Aramingo Avenue starting from a point approximately eighty-five feet two inches (85'-2") west of the East Tioga Street west curblin to a point approximately fourteen feet seven inches (14'-7") farther west leaving a minimum eleven feet nine inches (11'-9") of clear unobstructed footway.

SECTION 2. The construction, use and maintenance of the Encroachment described and listed in Section 1 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, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Owner 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, Owner shall enter into an agreement (the "Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner, inter alia:

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- (a) Maintains and keeps in good repair and working order the Encroachments to the satisfaction of the Streets Department;
- (b) Agrees that upon one hundred and eighty (180) days' notice from the City, it shall remove the Encroachment(s) 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;
- (c) Shall 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, including but not limited to, Department of Streets approval as to the design and location of Encroachments prior to the installation of the Encroachments within the area of the Encroachment. 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) Shall 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 reason of the construction of the Encroachments;
- (e) Shall 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 City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that Owner 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) Shall ensure that all construction contractors for the Encroachments 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 City Solicitor;
- (g) Shall 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 footway adjacent to the Encroachments described in Section 1;
- (h) Indemnifies and holds harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachments. Owner shall also agree to release the City from any and all claims relating to the Encroachments, including if ordered removed or when street, sidewalk or utility construction occurs;

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- (i) Furnishes 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 City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, or in lieu thereof, submit documentation in a form and content acceptable to the City that Owner self-assumes the liabilities and obligations normally covered by the Surety Bond; and
- (j) Cause any subsequent successor or assign of any of the Encroachments authorized by this ordinance to enter into an Agreement with the City in a form satisfactory to the Department of Streets and City Solicitor.

SECTION 4. The City Solicitor 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 Owner to install, own and maintain the Encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Owner has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within five (5) years after this Ordinance becomes law.

SECTION 6. The Streets Department is further authorized to allow for minor modifications of the type, quantity, location and dimension of the encroachments consistent with the intent of this Ordinance without requiring additional legislation.

SECTION 7. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), towards costs thereof, is paid unto 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 March 26, 2026. The Bill was Signed by the Mayor on April 7, 2026.

A handwritten signature in black ink, reading "Elizabeth McCollum". The signature is written in a cursive style with a large, looping initial "E".

Elizabeth McCollum
Chief Clerk of the City Council