

City of Philadelphia



(Bill No. 130331)

AN ORDINANCE

Authorizing Philadelphia Chinatown Development Corporation to construct, own and maintain various right-of-way encroachments within the public right-of-way on Vine Street, 10th Street and Pearl Street, Philadelphia, PA, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Philadelphia Chinatown Development Corporation (“Owner”) to construct, own and maintain various right-of-way encroachments (“Encroachments”) within the public right-of-way on Vine Street, 10th Street and Pearl Street, Philadelphia, PA as follows:

Vine Street Encroachments

The upper level of a building will encroach no more than five (5) feet over the public right-of-way on the north footway of Vine Street between 10th Street and 11th Street. The encroachment will be approximately one hundred and six (106) feet wide as measured along the length of the sidewalk with a minimum clearance of seventeen (17) feet above the sidewalk.

A roof embellishment will encroach no more than seven (7) feet over the public right-of-way on the north footway of Vine Street between 10th Street and 11th Street. The encroachment will be approximately one hundred and thirty – nine (139) feet wide as measured along the length of the sidewalk with a minimum clearance of fifty (50) feet above the sidewalk.

10th Street Encroachments

A roof embellishment will encroach no more than two (2) feet over the public right-of-way on the west footway of 10th Street between Vine Street and Pearl Street. The encroachment will be approximately eighty five feet – two inches (85’-2”) wide as measured along the length of the sidewalk with a minimum clearance of seventeen (17) feet above the sidewalk.

Pearl Street Encroachments

The upper level of a building will encroach no more than two (2) feet over the public right-of-way on the south footway of Pearl Street between 10th Street and 11th Street. The encroachment will be approximately eighty (80) feet wide as

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measured along the length of the sidewalk with a minimum clearance of fifty (50) feet above the sidewalk.

SECTION 2. The construction, use and maintenance of the Encroachments 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 and the Department of Streets, 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 its 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 (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner shall, *inter alia*:

- (a) agrees that upon thirty (30) days notice from the City, it shall remove the Encroachments without cost or expense to the City and shall remove the Encroachments 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) 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. 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;
- (c) 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 the reason of the construction of the Encroachments;
- (d) 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;

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- (e) shall insure 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;
- (f) 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; and
- (g) 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 City Solicitor 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 Encroachments described in Section 1 or their removal, or in lieu thereof, submit documentation in form and content acceptable to the City that the Owner self-assumes the liabilities and obligations normally covered by the Surety Bond.

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 construct, 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 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 June 6, 2013. The Bill was Signed by the Mayor on June 17, 2013.



Michael A. Decker
Chief Clerk of the City Council