

City of Philadelphia



(Bill No. 030396)

AN ORDINANCE

Authorizing the Center City District, 917 Filbert Street, Philadelphia, PA 19107, its successors and assigns, to construct, own and maintain a total of twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms on and under the public footway of Benjamin Franklin Parkway and adjacent streets, from Sixteenth Street to the Eakins Oval.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Center City District, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

Pedestrian Scale Light Standards

The pedestrian lights are approximately fifteen feet (15') high and are located approximately two feet (2') from the face of the curb to the centerline of the pole. The poles sit on a concrete footing approximately two feet (2') diameter by four feet (4') deep. The poles are located as follows:

(a) On the north sidewalk of the Benjamin Franklin Parkway, between Sixteenth and Seventeenth Streets, at the following locations west of the west curbline of North Sixteenth Street:

- i) seventy feet (70')
- ii) one hundred and twenty-six feet (126')
- iii) two hundred and five feet (205')
- iv) two hundred and seventy-two feet (272')
- v) three hundred and fifty-four feet (354')
- vi) four hundred and fifteen feet (415')

(b) On the south sidewalk of the Benjamin Franklin Parkway, between Sixteenth and Seventeenth Streets, at the following locations west of the west curbline of North Sixteenth Street:

- i) one hundred and twenty-three feet (123')
- ii) one hundred and seventy-nine feet (179')
- iii) two hundred and fifty-nine feet (259')
- iv) three hundred and twenty-five feet (325')
- v) four hundred and eight feet (408')
- vi) four hundred and seventy-nine feet (479')

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(c) On the north sidewalk of the Benjamin Franklin Parkway, between Seventeenth and Eighteenth Streets, at the following locations east of the east curbline of North Eighteenth Street:

- i) fifty-seven feet (57')
- ii) one hundred and thirty-two feet (132')
- iii) two hundred and fourteen feet (214')
- iv) two hundred and ninety-four feet (294')
- v) three hundred and seventy-five feet (375')
- vi) four hundred and fifty-six feet (456')

(d) On the south sidewalk of the Benjamin Franklin Parkway between Seventeenth and Eighteenth Streets, at the following locations east of the east curbline of North Eighteenth Street:

- i) seventy-four feet (74')
- ii) one hundred and fifty-six feet (156')
- iii) two hundred and thirty-seven feet (237')
- iv) three hundred and sixteen feet (316')
- v) four hundred and fifty-six feet (456')

(e) On the north sidewalk of Benjamin Franklin Parkway, between Eighteenth Street and Logan Circle, at the following locations west of the west curbline of North Eighteenth Street:

- i) fifty-six feet (56')
- ii) one hundred and thirty-six feet (136')

(f) On the south sidewalk of Benjamin Franklin Parkway, between Eighteenth Street and Logan Circle, at the following locations west of the west curbline of North Eighteenth Street:

- i) seventy-eight feet (78')
- ii) one hundred and thirty-eight feet (138')

Banner Poles

The banner poles are approximately twenty-four feet (24') high with a mastarm approximately five feet four inches (5'-4") long oriented toward the roadway. The mastarm will support a banner approximately five feet (5') wide by nine feet (9') long which is approximately fifteen feet (15') above the sidewalk. The poles sit on a concrete footing approximately two feet (2') diameter by four feet (4') deep. The poles are located as follows:

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(g) On the east sidewalk of North Eighteenth Street between Race and Vine Streets, at the following locations north of the north curbline of Race Street:

i) sixty feet (60')

(h) On the north sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations east of the east curbline of Spring Garden Street - eastbound:

i) sixty feet (60')

(i) On the north sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations west of the west curbline of Spring Garden Street - eastbound:

i) sixty-one feet (61')

(j) On the north sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations south of the south curbline of Spring Garden Street - westbound:

i) forty-one feet (41')

ii) one hundred and seventy-five feet (175')

(k) On the north sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations west of the west curbline of Kelly Drive - northbound:

i) fifty-three feet (53')

(l) On the north sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations east of the east curbline of Kelly Drive - southbound:

i) forty-four feet (44')

(m) On the south sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations east of the east curbline of Twenty-fourth Street - southbound:

i) forty-nine feet (49')

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(n) On the south sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations east of the east curbline of Twenty-fourth Street – southbound:

i) two hundred and twenty-nine feet (229')

(o) On the south sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations west of the west curbline of Twenty-fourth Street – southbound:

i) sixty-eight feet (68')

ii) two hundred and forty-seven feet (247')

(p) On the south sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations west of the west curbline of West River Drive – southbound:

i) seventy-eight feet (78')

(q) On the south sidewalk of Eakins Oval, between Benjamin Franklin Parkway and Kelly Drive, at the following locations south of the south curbline of West River Drive – northbound:

i) ninety-one feet (91')

SECTION 2. The construction, use and maintenance of a total of twenty-seven (27) pedestrian scale light poles with luminaries and eleven (11) banner poles with mastarms on and under the public footway of Benjamin Franklin Parkway and adjacent streets, from Sixteenth Street to the Eakins Oval 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.

SECTION 3. Before exercising any rights or privileges under this Ordinance, the Center City District 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, the Center City District shall enter into an agreement (“Agreement”) with the appropriate City department or

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departments, in a form satisfactory to the Law Department, to provide that the Center City District shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms on and under the public footway of Benjamin Franklin Parkway and adjacent streets, from Sixteenth Street to the Eakins Oval, without cost or expense to the City and shall restore the cartway and footways of Benjamin Franklin Parkway and adjacent streets, from Sixteenth Street to the Eakins Oval 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 twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Center City District 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 be necessary by the reason of the construction of the twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms;
- (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 the Center City District is self insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied

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by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

- (f) insure that all construction contractors for the twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms 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 Benjamin Franklin Parkway and adjacent streets, from Sixteenth Street to the Eakins Oval.

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 the Center City District to construct, own and maintain the twenty-seven (27) pedestrian scale light poles with luminaires and eleven (11) banner poles with mastarms described in Section 1 shall expire without any further action by the City of Philadelphia if the Center City District 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council