



City of Philadelphia

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

BILL NO. 010507

Introduced June 14, 2001

Councilmember DiCicco

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

AN ORDINANCE

Authorizing Philadelphia Hotel Partners, L.L.C., owners of the property 410 South Front street, Philadelphia, PA 19147, to construct and maintain two canopies and two rigid awnings attached to the building and projecting over the west footway of Front street and the east footway of Second street and three flagpoles with foundations on the west footway of Front street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Philadelphia Hotel Partners, L.L.C., owner of the Hotel W located at 410 South Front street, Philadelphia, PA 19147 to construct and maintain:

(a) One (1) aluminum frame canopy with glass skylight over the hotel entrance on Front street. The canopy will have an approximate length of forty-two feet (42') with the center line located approximately one hundred and ninety-four feet (194') north of the north curb line of Lombard street and project a maximum of approximately ten feet, six inches (10'-6") over the west footway of Front street with a minimum vertical clearance above the footway of seventeen feet (17'). The projecting edge of the canopy will be set back a minimum of eighteen inches (18") west of the west curb line of Front street.

(b) One (1) fabric canopy with a steel frame located at the end of a pathway which extends from the rear face of the hotel building and projects a maximum of approximately four feet (4') over the east footway of Second street, leaving approximately eleven feet, four inches (11'-4") of clear footway. The canopy will have a minimum vertical clearance above the footway of eleven feet, five inches (11'-5"). The canopy is approximately thirteen feet, six inches (13'-6") long with the centerline located

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approximately one hundred and ninety-one feet (191') north of the north curb line of Lombard street.

(c) Two (2) aluminum frame rigid awnings each with a glass skylight, projecting a maximum of approximately three feet (3') over the west footway of Front street. Each awning has an approximate overall height of six feet (6') and a minimum vertical clearance of nine feet, four inches (9'-4") above the footway. The awning closest to the north curb line of Lombard street has a length of approximately sixty-five feet (65'). The awning furthest from the north curb line of Lombard street has a length of approximately twenty-five feet (25'). The centerline of each awning will be located at the following approximate offsets north of the north curb line of Lombard street:

- (i) one hundred and forty-one feet (141')
- (ii) two hundred and twenty-seven feet (227')

(d) Three (3) metal flagpoles with concrete foundation in and below the west footway of Front street offset a minimum distance of approximately five feet (5') west of the west curb line of Front street, leaving a minimum clear footway from the flagpole to the building of approximately eight feet (8'). Each flagpole foundation is below the footway approximately four feet (4') square in plan and approximately five feet (5') in depth. The center line of each flagpole foundation is located at the following approximate distances north of the north curb line of Lombard street:

- (i) one hundred and sixty-five feet (165')
- (ii) one hundred and seventy three feet (173')
- (iii) two hundred and fifteen feet (215')

SECTION 2. Before exercising any rights or privileges under this Ordinance, Philadelphia Hotel Partners L.L.C. 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, before exercising any rights or privileges under this Ordinance, Philadelphia Hotel Partners, L.L.C. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Philadelphia Hotel Partners, L.L.C. shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the Agreement;

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(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 erection and maintenance of any of the various fabric awnings on rigid metal frames listed in Section 1 of this Ordinance;

(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) insure that none of the canopies, awnings or flagpoles authorized by Section 1 exceed the dimensions set forth in Section 1;

(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 City Solicitor; and

(f) remove each of the canopies, awnings and flagpoles authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

SECTION 4. The permission granted to Philadelphia Hotel Partners, L.L.C. to construct and maintain two canopies, two awnings and three flagpoles with foundations on, over and under certain public rights-of-way set forth in Section 1 shall expire without any further action by the City of Philadelphia if Philadelphia Hotel Partners L.L.C. 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.

SECTION 5. 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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