

City of Philadelphia



(Bill No. 020383)

AN ORDINANCE

Authorizing PECO Energy Company to construct, own, and maintain 7 concrete planters on the north footway of Market street and 7 concrete planters on the south footway of John F. Kennedy boulevard adjacent to the property 2301 Market street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to PECO Energy Company, owner of the property 2301 Market Street, Philadelphia, PA 19103, to construct, own and maintain:

1. Seven (7) concrete planters on the north footway of Market street adjacent to 2301 Market street. Each planter is six foot (6') square and three feet, five inches (3'-5") high. The front face of each planter will be set back from the north curb line of Market street three feet (3'), leaving a minimum clear footway between the building façade and the planters of ten feet (10'). The centerline of each planter will be located at the following offsets from the west curb line of Twenty-third street:

- (a) two hundred and twenty-three feet (223')
- (b) two hundred and thirty-four feet (234')
- (c) two hundred and forty-five feet (245')
- (d) two hundred and fifty-six feet (256')
- (e) two hundred and sixty-seven feet (267')
- (f) two hundred and seventy-eight feet (278')
- (g) two hundred and eighty-nine feet (289').

2. Seven (7) concrete planters on the south footway of John F. Kennedy boulevard adjacent to the property 2301 Market street. Each planter is six foot (6') square and three feet, five inches (3'-5") high. The front face of each planter will be set back from the south curb line of John F. Kennedy boulevard twelve feet (12'), leaving a minimum clear footway between the building façade and the planters of twelve feet (12'). The centerline of each planter will be located at the following offsets from the east curb line of Schuylkill avenue:

- (a) four hundred and seventy-seven feet (477')
- (b) four hundred and eighty-eight feet (488')
- (c) four hundred and ninety-nine feet (499')
- (d) five hundred and ten feet (510')
- (e) five hundred and twenty-one feet (521')

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- (f) five hundred and thirty-two feet (532')
- (g) five hundred and forty-three feet (543').

SECTION 2. Before exercising any rights or privileges under this Ordinance, PECO Energy Company 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, PECO Energy Company shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that PECO Energy Company 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 Law Department to insure compliance with all the terms and conditions of this Ordinance and the 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, ownership and maintenance of the concrete planters on the public rights-of-way;

(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 the concrete planters on public rights-of-way encroach no more than the dimensions set forth in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(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; and

(f) remove the concrete planters from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. 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 4. The permission granted to PECO Energy Company to construct, own and maintain concrete planters on the north footway of Market street and the south footway of John F. Kennedy boulevard adjacent to the property 2301 Market street shall expire

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without any further action by the City of Philadelphia if PECO Energy Company 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser
Chief Clerk of the City Council