

City of Philadelphia



(Bill No. 060472)

AN ORDINANCE

Authorizing the Commonwealth of Pennsylvania, its successors and assigns, to construct, own and maintain an overbuild on 13th Street between Race and Arch Streets, under certain terms and conditions.

WHEREAS, The Commonwealth of Pennsylvania has undertaken the development of the expansion of the Pennsylvania Convention Center bounded generally by Broad Street on the west, Race Street on the north, 13th Street on the east, and Arch Street on the south; and

WHEREAS, The Commonwealth of Pennsylvania has requested permission to construct, own and maintain an overbuild on 13th Street between Race and Arch Streets for the expansion and renovation of the Pennsylvania Convention Center; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commonwealth of Pennsylvania, its successors and assigns, is hereby authorized to construct, own and maintain an overbuild on 13th Street between Race and Arch Streets as follows:

The proposed building overpass, located approximately seventy feet (70') north of the north curb line of Arch Street, is approximately five hundred and seventy feet (570') in length, and approximately fifty feet four inches (50'-4") in clear width. The maximum height of the structure, measured from the ground floor (Elev. 34.17) to the roof parapet (Elev. 152.33) is approximately one hundred and eighteen feet two inches (118'-2"). The minimum vertical clearance to the underside of the overpass varies from seventeen feet (17') at Race Street to twenty-two feet (22') at Arch Street. The westside pier foundation (caissons) encroaches approximately one foot four inches (1'-4") into and below the west public sidewalk of N. 13th Street.

SECTION 2. The construction, use and maintenance of the overbuild 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 Commonwealth of Pennsylvania 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

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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 Commonwealth of Pennsylvania shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that The Commonwealth of Pennsylvania shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the overbuild without cost or expense to the City and shall restore the cartway and footways of N. 13th Street 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 overbuild or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that The Commonwealth of Pennsylvania 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 overbuild;
- (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 Commonwealth of Pennsylvania 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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- (f) insure that all construction contractors for the overbuild 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 N. 13th Street.

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 Commonwealth of Pennsylvania to construct, own and maintain the overbuild described in Section 1 shall expire without any further action by the City of Philadelphia if The Commonwealth of Pennsylvania 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 15, 2006. The Bill was Signed by the Mayor on September 14, 2006.



Patricia Rafferty
Chief Clerk of the City Council