

# City of Philadelphia



(Bill No. 050457)

## AN ORDINANCE

Granting permission to Longacre Holdings, LLC, owner of the property 1509 Mifflin Street, Philadelphia, PA, to operate and maintain an open air sidewalk café on the northwest corner of Mifflin Street and Hicks Street, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Permission is hereby granted to Longacre Holdings, LLC, 905 Corinthian Avenue, Philadelphia, PA 19130, owner of the property 1509 Mifflin Street, Philadelphia, PA, to operate and maintain an open air sidewalk café with four (4) tables to accommodate sixteen (16) occupants as follows:

One (1) table, approximately thirty inches (30") in diameter is proposed for the north sidewalk of Mifflin Street. The table will encroach approximately seven feet (7') leaving five feet (5') of clear unobstructed footway. The table will be located approximately twenty-four feet (24') west of the west curblines of South Hicks Street.

Three (3) tables, approximately thirty inches (30") in diameter are proposed for the west sidewalk of South Hicks Street. The tables will encroach approximately five feet six inches (5'-6") leaving five feet (5') of clear unobstructed footway. The first table will be located approximately twenty-eight feet (28') north of the north curblines of Mifflin Street; the last table will be located approximately forty feet (40') north of the north curblines of Mifflin Street.

**SECTION 2.** Before exercising any rights or privileges under this Ordinance, Longacre Holdings, LLC 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, Longacre Holdings, LLC shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, which shall:

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

# City of Philadelphia

BILL NO. 050457 continued

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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 open air sidewalk café;

(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) agree in writing that when, at the determination of the City of Philadelphia, the open air sidewalk café necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Longacre Holdings, LLC will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the four (4) tables for the open air sidewalk café encroach on the northwest corner of Mifflin Street and Hicks Street no more than the dimensions listed 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;

(f) 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

(g) remove the open air sidewalk café within thirty (30) days upon service of lawful written notice from the Streets Department.

**SECTION 3.** The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

**SECTION 4.** The permission granted to Longacre Holdings, LLC to maintain and operate an open air sidewalk café on the northwest corner of Mifflin Street and Hicks Street shall expire without any further action by the City of Philadelphia if Longacre Holdings, LLC 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) is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

# City of Philadelphia

BILL NO. 050457 continued

Certified Copy

# City of Philadelphia

BILL NO. 050457 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 16, 2005. The Bill was Signed by the Mayor on July 8, 2005.



Patricia Rafferty  
Chief Clerk of the City Council