

City of Philadelphia



(Bill No. 020141)

AN ORDINANCE

Authorizing Buca Restaurants, Inc. a tenant of the property 1501-1509 Spruce Street, Philadelphia, PA 19102 to construct and maintain two statues on the west footway of Fifteenth street adjacent to the property 1501-1509 Spruce street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Buca Restaurants, Inc., 1300 Nicollet Mall, Suite 5003, Minneapolis, Minnesota 55403, a tenant of the property 1501-1509 Spruce Street, Philadelphia, PA 19102 (owned by Spruce Parking Associates, 150 North Broad Street, Philadelphia, PA 19102) to construct and maintain two (2) concrete statues with anchored bases on the west footway of Fifteenth street adjacent to the property 1501-1509 Spruce street. Each concrete statue is on a base anchored into the footway and projects a maximum of approximately twenty-one inches (21”) into the west footway of Fifteenth street from the east building façade and is approximately twenty-one inches (21”) long and approximately twenty-one inches (21”) wide. Each statue is approximately six feet, eight inch high (6’-8”) and the two (2) centerlines are located south of the south curb line of Latimer street at distances of approximately eighty feet (80’) and ninety feet (90’).

SECTION 2. Before exercising any rights or privileges under this Ordinance, Buca Restaurants, Inc. 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, Buca Restaurants Inc. shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Buca Restaurants Inc. 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;

(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 the two (2) concrete statues on the west footway of Fifteenth street;

City of Philadelphia

BILL NO. 020141 continued

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(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 two (2) concrete statues encroach into the west footway of Fifteenth street no more than 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;

(f) remove the two concrete statues encroaching into the west footway Fifteenth street within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) obtain confirmation in a form acceptable to the City Solicitor from the owner of the property 1501-1509 Spruce street that the owner has no objection to the construction of the two concrete statues in the west footway of Fifteenth street adjacent to the property 1501-1509 Spruce street.

SECTION 3. The City Solicitor 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 Buca Restaurants Inc. to construct and maintain two (2) concrete statues encroaching into the west footway of Fifteenth street adjacent to the property 1501-1509 Spruce street shall expire without any further action by the City of Philadelphia if Buca Restaurants Inc. 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 with sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 020141 continued

Certified Copy

City of Philadelphia

BILL NO. 020141 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 4, 2002. The Bill was Signed by the Mayor on April 17, 2002.



Marie B. Hauser
Chief Clerk of the City Council