

City of Philadelphia



(Bill No. 090781)

AN ORDINANCE

Authorizing New Kensington Community Development Corporation to construct, own and maintain two bus shelters, twelve decorative signs, eleven four-foot benches, eight six-foot benches, and thirty-four trash receptacles on the east and west footway of Frankford Avenue, from East Columbia Avenue to York Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to New Kensington Community Development Corporation to construct, own and maintain the following streetscape improvements on the east and west footway of Frankford Avenue, from East Columbia Avenue to York Street, as follows:

(a) Two (2) bus shelters.

One (1) bus shelter, six feet (6') wide by twenty feet (20') long, will be placed on the east footway of Frankford Avenue leaving a clear footway of six feet (6'). A distance of thirty-three feet (33') shall be measured south from the south curb line of Palmer Street to the center of the shelter.

One (1) bus shelter, six feet (6') wide by fifteen feet (15') long, will be placed on the west footway of Frankford Avenue leaving a clear footway of five feet (5'). A distance of thirty feet (30') shall be measured north from the north curb line of Dauphin Street to the center of the shelter.

(b) Twelve (12) decorative Frankford Avenue signs, each thirteen feet six inches (13'6") high.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-five feet (25') shall be measured south from the south curb line of Palmer Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of forty-one feet (41') shall be measured north from the north curb line of Palmer Street to the center of the pole.

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of eleven feet (11') shall be measured south from the south curb line of Montgomery Avenue to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of fifteen feet (15') shall be measured north from the north curb line of Montgomery Avenue to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-three feet (23') shall be measured south from the south curb line of Berks Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-five feet (25') shall be measured north from the north curb line of Berks Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-two feet (22') shall be measured south from the south curb line of Norris Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twelve feet (12') shall be measured north from the north curb line of Norris Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-nine feet (29') shall be measured south from the south curb line of Susquehanna Avenue to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-one feet (21') shall be measured north from the north curb line of Susquehanna Avenue to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of eighteen feet (18') shall be measured south from the south curb line of Dauphin Street to the center of the pole.

One (1) sign on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of one hundred sixty-five feet (165') shall be measured north from the north curb line of Dauphin Street to the center of the pole.

(c) Eleven (11) benches, each four feet (4') long.

Two (2) benches on the east footway of Frankford Avenue leaving a clear footway of six feet (6'). Distances of thirty-one feet (31') and thirty-five feet

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

(35'), respectively, shall be measured south from the south curb line of Palmer Street to the center of each bench.

One (1) bench on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-five feet (25') shall be measured north from the north curb line of Palmer Street to the center of the bench.

One (1) bench on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of nineteen feet (19') shall be measured south from the south curb line of Montgomery Avenue to the center of the bench.

One (1) bench on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-one feet (21') shall be measured north from the north curb line of Montgomery Avenue to the center of the bench.

One (1) bench on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-nine feet (29') shall be measured south from the south curb line of Norris Street to the center of the bench.

One (1) bench on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of thirty-three feet (33') shall be measured north from the north curb line of Norris Street to the center of the bench.

One (1) bench on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-six feet (26') shall be measured north from the north curb line of Susquehanna Avenue to the center of the bench.

One (1) bench on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of forty feet (40') shall be measured south from the south curb line of Dauphin Street to the center of the bench.

Two (2) benches on the west footway of Frankford Avenue leaving a clear footway of five feet (5'). Distances of twenty-eight feet (28') and thirty-two feet (32'), respectively, shall be measured north from the north curb line of Dauphin Street to the center of each bench.

(d) Eight (8) benches, each six feet (6') long.

Four (4) benches on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). Distances of seventy-five feet (75'), eighty-four feet (84'), one hundred eight feet (108'), and one hundred seventeen feet (117'), respectively, shall be measured south from the south curb line of Palmer Street to the center of each bench.

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

Four (4) benches on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). Distances of seventy-three feet (73'), eighty-one feet (81'), one hundred fifty-nine feet (159'), and one hundred sixty-seven feet (167'), respectively, shall be measured north from the north curb line of Norris Street to the center of each bench.

(e) Thirty-four (34) trash receptacles will be placed within project limits.

Five (5) trash receptacles on the east footway of Frankford Avenue leaving a clear footway of at least five feet (5'). Distances of one foot (1'), fifty-five feet (55'), ninety-six feet (96'), one hundred thirty-four feet (134'), and one hundred seventy feet (170'), respectively, shall be measured south from the south curb line of Palmer Street to the center of each receptacle.

Three (3) trash receptacles on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). Distances of twenty-six feet (26'), two hundred eighty feet (280'), and three hundred thirty-one feet (331'), respectively, shall be measured north from the north curb line of Palmer Street to the center of each receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of two feet (2') shall be measured south from the south curb line of Palmer Street to the center of the receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of two hundred eighty feet (280') shall be measured north from the north curb line of Palmer Street to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of ten feet (10'). A distance of ten feet (10') shall be measured south from the south curb line of Montgomery Avenue to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of eleven feet (11') shall be measured south from the south curb line of Berks Street to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of nine feet (9') shall be measured north from the north curb line of Berks Street to the center of the receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of two feet (2') shall be measured south from the south curb line of Montgomery Avenue to the center of the receptacle.

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of twenty-six feet (26') shall be measured north from the north curb line of Montgomery Avenue to the center of the receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of seven feet (7'). A distance of eight feet (8') shall be measured south from the south curb line of Berks Street to the center of the receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of twenty-three feet (23') shall be measured north from the north curb line of Berks Street to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of two feet (2') shall be measured south from the south curb line of Norris Street to the center of the receptacle.

Two (2) trash receptacles on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). Distances of twelve feet (12') and two hundred ten feet (210'), respectively, shall be measured north from the north curb line of Norris Street to the center of each receptacle.

Two (2) trash receptacles on the west footway of Frankford Avenue leaving a clear footway of seven feet (7'). Distances of one foot (1') and nine feet (9'), respectively, shall be measured south from the south curb line of Norris Street to the center of each receptacle.

Three (3) trash receptacles on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). Distances of two feet (2'), two hundred eleven feet (211'), and four hundred twenty feet (420'), respectively, shall be measured north from the north curb line of Norris Street to the center of each receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of two feet (2') shall be measured south from the south curb line of Susquehanna Avenue to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of nine feet (9'). A distance of twenty-nine feet (29') shall be measured north from the north curb line of Susquehanna Avenue to the center of the receptacle.

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of two feet (2') shall be measured north from the north curb line of Susquehanna Avenue to the center of the receptacle.

One (1) trash receptacle on the east footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of two feet (2') shall be measured south from the south curb line of Dauphin Street to the center of the receptacle.

Two (2) trash receptacles on the east footway of Frankford Avenue leaving a clear footway of ten feet (10'). Distances of seven feet (7') and two hundred ninety-nine feet (299'), respectively, shall be measured north from the north curb line of Dauphin Street to the center of each receptacle.

One (1) trash receptacle on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). A distance of four feet (4') shall be measured south from the south curb line of Dauphin Street to the center of the receptacle.

Two (2) trash receptacles on the west footway of Frankford Avenue leaving a clear footway of eight feet (8'). Distances of two feet (2') and one hundred sixty-seven feet (167'), respectively, shall be measured north from the north curb line of Dauphin Street to the center of each receptacle.

The exact number, type and location of the streetscape improvements are identified on plans that have been supplied to the Department of Streets for review and have been approved. The Department of Streets will maintain the authority to review and approve the location of each proposed streetscape improvement prior to installation.

SECTION 2. Before exercising any rights and privileges under this Ordinance, New Kensington Community Development Corporation must first obtain all required permits, licenses and approvals from all appropriate City 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, New Kensington Community Development Corporation shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that New Kensington Community Development Corporation shall, *inter alia*:

- (a) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City, or from any other governmental entity as may be required by law;

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

- (b) assume the cost of all changes and adjustments to, or relocation or abandonment of, all utilities and structures within the public right-of-way which are necessary due to the construction of the streetscape improvements authorized in Section 1;
- (c) carry public liability and property damage insurance that covers the streetscape improvements authorized to be constructed within the public right-of-way in Section 1, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department. Alternatively, if approved by the City of Philadelphia Office of Risk Management, furnish the City with documentation in a form acceptable to the Law Department acknowledging that New Kensington Community Development Corporation is self insured and will protect the City against liability for property damages and liability for injuries or death to persons, including injuries to employees of New Kensington Community Development Corporation as a result of ownership, construction, maintenance and removal of the streetscape improvements described in Section 1;
- (d) remove or relocate any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way within sixty (60) days after lawful service of notice by the City of Philadelphia;
- (e) remove any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of the streetscape improvements described in Section 1 are no longer used for the purpose authorized by this Ordinance;
- (f) insure that all construction contractors for the streetscape improvements 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 footway adjacent to the streetscape improvements described in Section 1.

SECTION 3. The Law Department shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission to New Kensington Community Development Corporation to construct, own and maintain the streetscape improvements described in Section 1 shall expire without any further action by the City of Philadelphia if New Kensington Community Development Corporation has not entered into an Agreement and satisfied

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

all requirements of the Agreement that are listed in Section 2 of this Ordinance 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.

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

City of Philadelphia

BILL NO. 090781 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council