

City of Philadelphia



(Bill No. 060396)

AN ORDINANCE

Authorizing Rockledge / Fox Chase Business Association, 7948 Oxford Avenue, Philadelphia, PA 19111, to construct, own and maintain a clock tower and raised planter on the west public sidewalk of Oxford Avenue at the reconfigured intersection of Loney and Barnes Streets, under certain terms and conditions.

WHEREAS, the proposed clock and planter will be installed in conjunction with the City's Rockledge and Fox Chase Streetscape Improvement Project; and

WHEREAS, the Rockledge / Fox Chase Business Association, 7948 Oxford Avenue, Philadelphia, PA 19111, has requested permission to construct, own and maintain a clock tower and raised planter on the west public sidewalk of Oxford Avenue at the reconfigured intersection of Loney and Barnes Streets; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Rockledge / Fox Chase Business Association, its successors and assigns, is hereby authorized to construct, own and maintain a clock tower and raised planter as follows:

Clock Tower

The clock tower will be installed atop a masonry pedestal base approximately four feet (4') square by one foot six inches (1'-6") high sitting on a concrete masonry foundation approximately three feet (3') deep. The clock tower is approximately seventeen feet (17') high. The centerline of the proposed clock tower is approximately twenty feet (20') west of the west curb line of Oxford Avenue and twenty feet (20') north of the north curb line Loney / Barnes Streets.

Raised Planter

The brick masonry triangular planter, forming a right angle parallel to the curb lines of Oxford Avenue and the reconfigured curb line of Loney / Barnes Street, is approximately by one foot six inches (1'-6") high, sitting on a concrete and masonry foundation approximately three feet (3') deep. The raised planter, located approximately twelve feet (12') west of the west curb line of Oxford Avenue and nine feet (9') south of the south curb line of Loney / Barnes Streets, is approximately seventeen feet (17') in length parallel to the west curb line of Oxford Avenue and the south curb line of Loney / Barnes Streets.

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SECTION 2. The construction, use and maintenance of the clock tower and raised planter 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 and the Department of Streets.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Rockledge / Fox Chase Business Association 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 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 provisions of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights and privileges under this Ordinance, Rockledge / Fox Chase Business Association shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Rockledge / Fox Chase Business Association shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the clock tower and raised planter without cost or expense to the City and shall restore the cartway and footways aforesaid 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 clock tower and raised planter or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Rockledge / Fox Chase Business Association 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

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be necessary by reason of the construction of the clock tower and raised planter;

- (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 Rockledge / Fox Chase Business Association 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;
- (f) insure that all construction contractors for the clock tower and raised planter, 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 Oxford Avenue.

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 Rockledge / Fox Chase Business Association to construct, own and maintain the clock tower and raised planter described in Section 1 shall expire without any further action by the City of Philadelphia if Rockledge / Fox Chase Business Association has not entered in 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 1, 2006. The Bill was Signed by the Mayor on June 15, 2006.



Patricia Rafferty
Chief Clerk of the City Council