

City of Philadelphia



(Bill No. 020410)

AN ORDINANCE

Authorizing Pennsylvania Academy of Fine Arts, owner of the properties 118 North Broad street and 128 North Broad street, to construct, own and maintain various encroachments under, on, and over the north footway of Cherry street and the west footway of Broad street adjacent to these properties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Pennsylvania Academy of Fine Arts, Broad and Cherry Street, Philadelphia, PA 19102, owner of the properties 118 North Broad street and 128 North Broad street, to construct, own and maintain:

(a) Four (4) retractable fabric awnings encroaching four feet (4') over the north footway of Cherry street from the building 128 North Broad street. Each awning is twenty-one feet, two inches (21'-2") long, four feet (4') high and has a minimum vertical clearance above the footway of ten feet, four inches (10'-4"). The centerline of each awning is located west of the west curb line of Broad street at the following locations:

- (i) sixty-two feet, nine inches (62'-9")
- (ii) eighty-eight feet, nine inches (88'-9")
- (iii) one hundred and fourteen feet, nine inches (114'-9")
- (iv) one hundred and forty feet, nine inches (140'-9")

(b) One (1) steel and glass canopy encroaching four feet (4') over the north footway of Cherry street from the building 128 North Broad street. The canopy is twenty feet, six inches (20'-6") long and has a minimum vertical clearance above the footway of eleven feet (11'). The centerline of the canopy is one hundred and fifty-six feet (156') west of the west curb line of Broad street.

(c) One sixteen foot (16') high aluminum light pole with a one inch (1") diameter electrical conduit under, on and over the north footway of Cherry street adjacent to 128 North Broad street. The pole is located thirty-eight feet, nine inches (38'-9") west of the west curb line of Broad street and the centerline of the pole is two feet, two inches (2'-2") north of the north curb line of Cherry street. The pole is on top of a three foot (3') square footing that extend four feet, six inches (4'-6") below the footway. The underground electrical conduit is two feet, six inches (2'-6") below the footway and extends under the north footway of Cherry street in a perpendicular direction from the pole to the building 128 North Broad street.

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(d) Two (2) twenty-two foot (22') high banner poles under, on and over the west footway of Broad street in front of the property 128 North Broad street. The centerlines of the poles are sixty-five feet, seven inches (65'-7") and ninety-one feet, eleven inches (91'-11") north of the north curb line of Cherry street and two feet, two inches (2'-2") west of the west curb line of Broad street. A minimum nineteen feet, four inches (19'-4") of clear footway will remain. Each pole is on top of a three foot (3') square footing that extends four feet, six inches (4'-6") below the footway. At the top of each pole is a two foot, six inch (2'-6") horizontal banner arm projecting over the west footway of Broad street.

(e) Two (2), twenty-two foot (22') aluminum banner poles with top mounted floodlights and one (1) inch diameter electrical conduit under, on and over the west footway of Broad street adjacent to the property 118 North Broad street. The centerlines of the poles are thirty-seven feet, nine inches (37'-9") and eighty-three feet, three inches (83'-3") south of the south curb line of Cherry street and two feet, two inches (2'-2") west of the west curb line of Broad street. A minimum of nineteen feet, four inches (19'-4") of clear footway will remain. Each pole will be on top of a three foot (3') square footing that extends four feet, six inches (4'-6") below the footway. At the top of each pole is a two foot, six inch (2'-6") horizontal banner arm projecting over the west footway of Broad street. The underground electrical conduit is two feet, six inches (2'-6") below the footway and extends under the west footway of Broad street in a perpendicular direction to the pole thirty-seven feet, nine inches (37'-9") south of the south curb line of Cherry street from the building 118 North Broad street and then runs parallel to the curb line to the pole located eighty-three feet, three inches (83'-3") south of the south curb line of Cherry street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Pennsylvania Academy of Fine Arts 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, the Pennsylvania Academy of Fine Arts shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the Pennsylvania Academy of Fine Arts 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 Law Department to insure compliance with all the terms and conditions of this Ordinance and the Agreement;

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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 erection and maintenance of any of the various fabric awnings on rigid metal frames listed in Section 1 of this Ordinance;

(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 encroachments on over and under over the public right-of-way encroach no more than the dimensions set forth 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 each of the various encroachments authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The Law Department may include in the Agreement such other terms and conditions as the Law Department deems necessary to protect the interests of the City.

SECTION 4. The permission granted to the Pennsylvania Academy of Fine Arts to construct and maintain various encroachments on, over and under the north footway of Cherry street and the west footway of Broad street adjacent to the properties 128 North Broad street and 118 North Broad street shall expire without any further action by the City of Philadelphia if the Pennsylvania Academy of Fine Arts 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 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 October 24, 2002. The Bill was Signed by the Mayor on November 13, 2002.



Marie B. Hauser
Chief Clerk of the City Council