

City of Philadelphia



(Bill No. 010346)

AN ORDINANCE

Authorizing the United States of America, acting through the United States Department of Justice, Federal Bureau of Prisons, to construct and maintain various precast concrete planters on the south footway of Arch street and the west footway of Seventh street adjacent to the Federal Detentions Center, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the United States of America, acting through the United States Department of Justice, Federal Bureau of Prisons, owner of the property 700 Arch Street, Philadelphia, PA 19106, to construct and maintain nine precast concrete planter containers encroaching at the following locations:

(1) Nine (9) precast concrete planters on the west footway of Seventh street. Each concrete planter is approximately four feet (4') wide, six feet (6') long and three feet (3') high. The front face of each planter will be set back from the west curb line of Seventh street approximately one foot, eleven inches (1'-11"), which will leave a minimum of approximately seven feet, four inches (7'-4") of clear footway between the rear face of each planter and the building facade. The centerline of each concrete planter will be located at the following offsets as measured from the south right-of-way line of Arch street:

- (a) thirty-one feet, one inch (31'-1")
- (b) forty-eight feet, six inches (48'-6")
- (c) sixty-six feet, eleven inches (66'-11")
- (d) eighty-one feet, eleven inches (81'-11")
- (e) one hundred eleven feet, two inches (111'-2")
- (f) one hundred thirty-two feet, seven inches (132'-7")
- (g) one hundred fifty-eight feet, five inches (158'-5")
- (h) one hundred seventy-three feet, eleven inches (173'-11")
- (i) two hundred one feet, ten inches (201'-10")

(2) Four (4) precast concrete planters on the south footway of Arch street. Each concrete planter is approximately four feet (4') wide, six feet (6') long and three feet (3') high. The front face of each planter will be set back from the south curb line of Arch street approximately two feet, three inches (2'-3") which will leave a minimum of approximately seven feet, four inches (7'-4") of clear footway between the rear face of

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each planter and the building facade. The centerline of each concrete planter will be located at the following offsets as measured from the west curb line of Seventh street:

- (a) twenty-two feet, eight inches (22'-8")
- (b) forty-nine feet, seven inches (49'-7")
- (c) eighty-five feet, four inches (85'-4")
- (d) one hundred eleven feet, four inches (111'-4")

(3) One (1) precast concrete planter on the south footway of Arch street that is approximately four feet (4') wide, four feet (4') long and three feet (3') high. The front face of the planter will be set back from the south curb line of Arch street approximately two feet, three inches (2'-3") which will leave a minimum of approximately seven feet, four inches (7'-4") of clear footway between the rear face of the planter and the building facade. The centerline of the concrete planter will be located at an offset of sixty-seven feet, ten inches (67'-10") as measured from the west curb line of Seventh street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the United States of America, acting through the Department of Justice, Federal Bureau of Prisons 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 United States of America, Department of Justice, Federal Bureau of Prisons shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that the United States of America, Department of Justice, Federal Bureau of Prisons shall, *inter alia*:

(1) furnish the City with documentation in a form acceptable to the City Solicitor acknowledging that the United States of America is self bonding to insure the compliance with all terms and conditions of this Ordinance and the Agreement and to protect and to indemnify the City from and against all damages or claims for damages which may arise directly as a result of the ownership, construction, maintenance, and removal of the precast concrete planters authorized in Section 1;

(2) 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;

(3) insure that none of the precast concrete planters authorized by Section 1 exceed the dimensions set forth in Section 1;

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(4) furnish the City with documentation acknowledging that the United States of America is self insured and will protect the City against liability for property damage and liability for injury or death to persons, including injuries to employees of the United States of America, as a result of the activity described in Section 1 of this Ordinance in a form that is reasonably satisfactory to the City Solicitor;

(5) remove each of the precast concrete planters authorized by Section 1 from the public rights-of-way within sixty (60) days at no cost or expense to the City upon lawful service of notice from the City of Philadelphia; and

(6) remove each of the precast concrete planters authorized by Section 1 from the public rights-of-way at no cost and expense to the City when the precast concrete planters are no longer being used for the purpose originally intended by the United States of America, Department of Justice, Bureau of Federal Prisons.

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

SECTION 4. The permission granted to United States of America, Department of Justice, Federal Bureau of Prisons to construct and maintain the precast concrete planters on the south footway of Arch street and the West footway of Seventh street adjacent to the property 700 Arch street shall expire without any further action by the City of Philadelphia if the United States of America, Department of Justice, Federal Bureau of Prisons 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 14, 2001. The Bill was Signed by the Mayor on August 31, 2001.



Marie B. Hauser
Chief Clerk of the City Council