

# City of Philadelphia



(Bill No. 150893)

## AN ORDINANCE

Authorizing Gary Jonas, (“Owner”) to install, own and maintain concrete stair and landscaped terrace encroachments at 2322-34 Green Street, Philadelphia, PA 19130 (“Property”), under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to Owner to install, own and maintain a concrete stair and landscaped terrace encroachments (“Encroachments”) at 2322-34 Green Street, Philadelphia, PA 19130 as follows:

#### Encroachment Description:

##### 2334 Green Street

From a point approximately twelve feet (12’-0”) East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6’-0”) farther east, a stair encroachment, and from a point approximately eighteen feet (18’-0”) East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16’-0”) farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12’-8”) into the South footway of Green Street, with nine feet four inches (9’-4”) of passable sidewalk space remaining.

##### 2332 Green Street

From a point approximately thirty-four feet (34’-0”) East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6’-0”) farther east, a stair encroachment, and from a point approximately forty feet (40’-0”) East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16’-0”) farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12’-8”) into the South footway of Green Street, with nine feet four inches (9’-4”) of passable sidewalk space remaining.

##### 2330 Green Street

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From a point approximately fifty-six feet (56'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6'-0") farther east, a stair encroachment, and from a point approximately sixty-two feet (62'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16'-0") farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12'-8") into the South footway of Green Street, with nine feet four inches (9'-4") of passable sidewalk space remaining.

## 2328 Green Street

From a point approximately seventy-eight feet (78'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6'-0") farther east, a stair encroachment, and from a point approximately eighty-four feet (84'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16'-0") farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12'-8") into the South footway of Green Street, with nine feet four inches (9'-4") of passable sidewalk space remaining.

## 2326 Green Street

From a point approximately one hundred feet (100'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6'-0") farther east, a stair encroachment, and from a point approximately one hundred-six feet (106'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16'-0") farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12'-8") into the South footway of Green Street, with nine four inches (9'-4") of passable sidewalk space remaining.

## 2324 Green Street

From a point approximately one hundred twenty-two feet (122'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately six feet (6'-0") farther east, a stair encroachment, and from a point approximately one hundred twenty-eight feet (128'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately sixteen feet (16'-0") farther east, a landscaped terrace encroachment. Said encroachments to extend no more than twelve feet eight inches (12'-8") into the South footway of Green Street, with nine feet four inches (9'-4") of passable sidewalk space remaining.

## 2322 Green Street

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From a point approximately one hundred forty-four feet (144'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street, to a point approximately twelve feet (12'-0") farther east, a landscaped terrace, and from a point approximately one hundred sixty-six feet (166'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately eight feet (8'-0") farther east, a stair encroachment, and from a point approximately one hundred seventy-four feet (174'-0") East of the intersection of curb at the southeast corner of Green Street and 24th Street to a point approximately fourteen feet (14'-0") farther east, a stair encroachment. Said encroachments to extend no more than twelve feet eight inches (12'-8") into the South footway of Green Street, with nine feet four inches (9'-4") of passable sidewalk space remaining.

SECTION 2. The installation, use and maintenance of the Encroachments described and 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, provided that the Department of Streets, in its sole discretion, may allow minor variations of the dimension limits set forth in Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Owner 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, to provide that Owner will *comply with the following*:

- 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;
- 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 placement of the Encroachments;
- c) carry public liability and property damage insurance that covers the Encroachments and lists the City of Philadelphia as an additional insured, as well as, Worker's Compensation and Employer Liability insurance in such amounts as shall be required by the City's Risk Management Unit. Alternatively, if approved by the Risk Management Unit, furnish the City with documentation in a form acceptable to the Law Department acknowledging that Owner is self-insured and will protect the City

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against liability for property damages and liability for injuries or death to persons, including employees of the café, as a result of the ownership, installation, maintenance or removal of the Encroachments;

d) remove or relocate any or all of the Encroachments of this Ordinance from the public right-of-way within thirty (30) days after lawful service of notice by the City of Philadelphia. Such notice may be given when:

1. the Department of Streets has determined that the Encroachment no longer meets the City's placement requirements; the Encroachment must be removed to accommodate a municipal or municipally sponsored public project; or the Streets Department has granted a temporary permit to close the sidewalk; or

2. the Department of Licenses and Inspections has determined that the Encroachment is no longer being used as such; or the Encroachment is in violation of any ordinance, rule or regulation of the City of Philadelphia;

e) insure that each contractor performing work and/or services in connection with the Encroachments carries 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 City;

f) 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 Encroachments;

g) indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachments, or by the acts or omissions of the employees or agents of the restaurant in connection with the café. Owner shall also agree to release the City from any and all claims relating to the sidewalk café, including, but not limited to, loss of business and/or value of the sidewalk café if ordered removed or when street, sidewalk or utility construction occurs; and

h) adhere to the requirements set forth in Section 9-208 of The Philadelphia Code.

SECTION 4. The Law Department shall include in the Agreement such other terms and provisions deemed necessary to protect the interest of the City of Philadelphia.

SECTION 5. The permission granted to Owner to install, own and maintain the Encroachments will expire without any further action by the City of Philadelphia if

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Owner has not entered into 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 December 10, 2015. The Bill was Signed by the Mayor on December 23, 2015.



Michael A. Decker  
Chief Clerk of the City Council