

City of Philadelphia



(Bill No. 050108)

AN ORDINANCE

Authorizing the Legendary Blue Horizon (“Blue Horizon”), the owner of the property 1314 North Broad Street, Philadelphia, PA 19121 to maintain one statue, the “Spirit of Philadelphia Boxing” statue, which is currently located on the façade of 1314 North Broad Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Blue Horizon, 1314 North Broad Street, Philadelphia, PA 19121 to maintain one cast bronze and marble statue with bronze threaded rods for mounting bases on the west sidewalk of North Broad Street. The bronze and marble statue when mounted on the sidewalk at 1314 North Broad Street, will occupy a maximum of approximately 5 square feet (5’) of footway abutting the building façade at 1314 North Broad Street. The statue is approximately nine feet (9’) high, five feet (5’) wide (viewed frontally) and five feet (5’) deep. The centerline of the statue is located approximately eighteen feet (18’) west of the west curblineline of North Broad Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Blue Horizon 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, Blue Horizon shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Blue Horizon 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 City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the Agreement;

(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 the cast bronze statue on the façade of 1314 North Broad Street;

(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;

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(d) insure that the cast bronze statue encroaches onto the sidewalk of 1314 North Broad Street no more than the dimensions set forth in Section 1;

(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 City Solicitor; and

(f) remove the cast bronze statue encroaching into the facade of 1314 North Broad Street without cost or expense to the City of Philadelphia within sixty (60) days upon lawful service of notice from the City of Philadelphia.

(g) assume the costs of all changes and adjustments to, and relocation or abandonment of, City of Philadelphia utilities and City of Philadelphia structures whenever located as may be necessary by the reason of the mounting of the statue;

(h) insure that all contractors for the mounting of the statue 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

(i) give the City of Philadelphia 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 footways on North Broad Street, adjacent to the property.

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

SECTION 4. The permission granted to Blue Horizon to maintain one cast bronze statue encroaching into the façade of 1314 North Broad Street shall expire without any further action by the City of Philadelphia if Blue Horizon 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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.



Patricia Rafferty
Chief Clerk of the City Council