

# City of Philadelphia



(Bill No. 000262)

## AN ORDINANCE

Authorizing Whole Foods Market Group, Inc., tenant of the property located at 929 South street, Philadelphia, PA 19147, to construct and maintain various encroachments in and on the north footway of South street and the east footway of Tenth street adjacent to the property 929 South street, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Whole Foods Market Group, Inc., tenant of the property 929 South street, Philadelphia, PA 19147 (owned by 929 South Street Associates, L.P., 2701 East Luzerne street, Philadelphia, PA 19137), to construct and maintain:

(a) seven (7) brick faced planters, integral to the facade of the building 929 South street, projecting approximately three feet (3') into and on the north footway of South street, each with a length of approximately eleven feet, eight inches (11'-8") and with a height of approximately two feet (2') above the footway. The seven (7) planters will be located at the following offsets east of the curb line of Tenth street:

- (i) approximately thirty-seven feet, five inches (37'-5")
- (ii) approximately ninety-seven feet, five inches (97'-5")
- (iii) approximately one hundred and twenty-seven, five inches (127'-5")
- (iv) approximately two hundred and seventeen feet, five inches (217'-5")
- (v) approximately two hundred and forty-seven feet, five inches (247'-5")
- (vi) approximately two hundred and seventy-seven feet, five inches (277'-5")
- (vii) approximately three hundred and seven feet, five inches (307'-5")

(b) two (2) brick-faced planters, integral to the facade of the building 929 South street, projecting approximately three feet (3') into and on the east footway of Tenth street, each with a length of approximately eighteen feet, seven inches (18'-7") and with a height of approximately two feet (2') above the footway. The two (2) planters will be located at the following offsets north of the north curb line of South street:

- (i) approximately forty-four feet, eleven inches (44'-11")
- (ii) approximately sixty-eight feet, eleven inches (68'-11");

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(c) three (3) metal bicycle racks on the north footway of South street adjacent to 929 South street, located approximately two feet (2') north of the north curb line of South street, leaving a clear footway of approximately seven feet between the bicycle racks and the face of the planters, and spaced approximately five feet (5') on centers at a point approximately two hundred and ten feet, seven inches (210'-7") east of the east curb line of Tenth street; and

(d) one metal pipe bollard with a height above the footway of approximately two feet (2'), located in the east footway of Ninth street, at a point approximately eleven feet (11') west of the west curb line of Ninth street and six feet (6') south of the south curb line of Rodman street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Whole Foods Market Group, Inc. 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, Whole Foods Market Group, Inc. shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor, to provide that Whole Foods Market Group Inc. 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 encroachments authorized 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 authorized in Section 1 of this Ordinance do not project in or on the public right-of-way at dimensions different than that which is specified 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;

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(f) remove any or all of the various encroachments in or on the public rights of way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) obtain confirmation in a form acceptable to the City Solicitor from the owner(s) of the property 929 South street that the owner(s) has no objection to the erection of the encroachments authorized by this Ordinance.

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 Whole Foods Market Group, Inc. to construct and maintain various encroachments in and on the north footway of South street and the east footway of Tenth street shall expire without any further action by the City of Philadelphia if Whole Foods Market Group, Inc. has not entered into the Agreement and satisfied all requirements of the Agreement and this Ordinance that are listed in Section 2 of the Ordinance within one (1) year after this Ordinance becomes law.

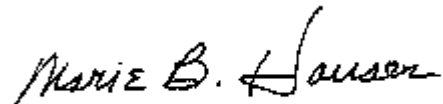
SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury with sixty (60) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 1, 2000. The Bill was Signed by the Mayor on June 16, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive, slightly slanted style.

Marie B. Hauser  
Chief Clerk of the City Council