

City of Philadelphia



(Bill No. 100371)

AN ORDINANCE

Authorizing the National Museum of American Jewish History, located at 101 South Independence Mall East, to construct, own and maintain various encroachments in the rights-of-way adjacent to the Museum building on 5th Street, Market Street, and Ludlow Street, and to improve a portion of the right-of-way adjacent to the Museum building on 5th Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the National Museum of American Jewish History to construct, own and maintain various right-of-way encroachments as follows:

One Sculpture and Base

The base of the sculpture shall be located 22'-6" east of the east curb line of 5th Street extending to approximately 28'-6" east of the east curb line of 5th Street, and 40'-6" south of the south curb line of Market Street extending to approximately 48'-6" south of the south curb line of Market Street.

The sculpture is approximately 24' high.

Ten Anti-Ram Security Bollards on Market Street

Ten anti-ram security bollards shall be located along Market Street from 74'-6" east of the east curb line of 5th Street extending to approximately 112'-6" east of the east curb line of 5th Street. The bollards shall be placed 1'-6" south of the new south curb line of Market Street and 8'-6" south of the old south curb line of Market Street.

Each bollard is 12-3/4" in diameter and 40" high.

Four Anti-Ram Security Bollards on Ludlow Street

Four anti-ram security bollards shall be located along Ludlow Street from 38'-8" east of the east curb line of 5th Street extending to approximately 51' east of the east curb line of 5th Street. The bollards shall be placed 1'-6" north of the north curb line of Ludlow Street.

Each bollard is 12-3/4" in diameter and 40" high.

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Two Freestanding Information Kiosks

Two freestanding information kiosks shall be placed on 5th Street at 56'-4" south of the existing south curb line of Market Street and 72'-4" south of the existing south curb line of Market Street. The kiosks shall be 30'-7" east of the east curb line of 5th Street.

SECTION 2. Permission is hereby granted to the National Museum of American Jewish History to re-pave a portion of the right-of-way that also serves as the roof to the egress stairs from the Septa station near the southeast corner of 5th and Market Streets as follows:

Granite stair treads and granite paving will be installed from 31'-2" south of the existing south curb line of Market Street to 255'-7" south of the existing south curb line of Market Street. The paving will be installed from 23'-11" east of the existing east curb line of 5th Street to the building face.

Before exercising any rights or privileges under this Section, the National Museum of American Jewish History shall provide documentation to the City showing that the Museum has obtained 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, or in lieu thereof, submit documentation in form and content acceptable to the City that the National Museum of American Jewish History is self-insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania, and shall provide documentation to the City showing that all construction contractors for the improvements described in this Section 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 City Solicitor.

SECTION 3. The construction, use and maintenance of the various encroachments described in Section 1 and improvements described in Section 2 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, unreviewable discretion, may allow minor variations of the dimension limits of Section 1 and Section 2, within standard tolerances of current engineering practice.

SECTION 4. Before exercising any rights or privileges under this Ordinance, the National Museum of American Jewish History must first obtain or have its contractor(s) 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

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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 National Museum of American Jewish History shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that the National Museum of American Jewish History shall, *inter alia*:

- (a) upon one hundred and eighty (180) days notice from the City, remove the encroachments described in Section 1 without cost or expense to the City and shall remove the encroachments described in Section 1 at no cost or expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the encroachments described in Section 1 or their removal, or in lieu thereof, submit documentation in form and content acceptable to the City that the National Museum of American Jewish History self-assumes the liabilities and obligations normally covered by the Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of, City utilities and City structures wherever located as may be necessary by the reason of the construction or removal of the encroachments described 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, or in lieu thereof, submit documentation in form and content acceptable to the City that the National Museum of American Jewish History is self-insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

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- (f) insure that all construction contractors for the encroachments described in Section 1 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 City Solicitor; and
- (g) 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 right-of-way of any affected streets.

SECTION 5. The City Solicitor shall include in the Agreement such other terms and conditions deemed necessary to protect the interests of the City.

SECTION 6. The permission granted to the National Museum of American Jewish History to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if the National Museum of American Jewish History has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 4 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 7. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date 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 17, 2010. The Bill was Signed by the Mayor on June 23, 2010.



Michael A. Decker
Chief Clerk of the City Council