

# City of Philadelphia



(Bill No. 110615)

## AN ORDINANCE

Authorizing Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P., owners of the Bourse Building, 111 S. Independence Mall East, Philadelphia, Pennsylvania, to legalize various encroachments within the City right-of-way, located on the south footway of Ludlow Street between Fourth Street and Fifth Street; the west footway of Fourth Street between Ranstead Street and Ludlow Street; and the north footway of Ranstead Street between Fourth Street and Fifth Street; under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P. to own and maintain various right-of-way encroachments as follows:

#### Ludlow Street Descriptions

On the South Footway of Ludlow Street, between Fourth and Fifth Streets.

- A. Ludlow Street Cornices – two (2) separate masonry encroachments located at the roof level, extending North from the face of the building, constitute the Ludlow Street Cornices. Each Cornice is approximately four feet (4' - 0") in width and approximately seventy-three feet (73' - 0") in length. The space between the cornices is approximately two hundred seventeen feet (217' - 0"). The rectangular area containing the encroachment near 5th Street begins at the intersection of the confirmed street lines of the easterly side of 5th Street and the southerly side of Ludlow Street and extends eastwardly approximately seventy-three feet (73' - 0") along Ludlow Street and extends into the bed of Ludlow Street approximately four feet (4' - 0"). The rectangular area containing the encroachment near 4th Street begins at the intersection of the confirmed street lines of the westerly side of 4th Street and the southerly side of Ludlow Street and extends westwardly approximately seventy-three feet (73' - 0") along Ludlow Street, and extends into the bed of Ludlow Street approximately four feet (4' - 0").
- B. Ludlow Street Window Wells – up to nine (9) separate encroachments located at grade level on the sidewalk. All window wells are of masonry construction and covered with metal grates. Three (3) window wells are approximately four feet six inches (4' - 6") in width and approximately nine feet (9' - 0") in length. Six (6)

# City of Philadelphia

BILL NO. 110615 continued

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- window wells are approximately sixteen feet (16'- 0") in length and approximately four feet six inches (4'- 6") in width. All window well encroachments are located within a rectangular area approximately five feet (5'- 0") in width and three hundred eighteen feet six inches (318'- 6") in length. The rectangular area containing these encroachments begins approximately fifteen feet (15'- 0") east at the intersection of the confirmed street lines of the easterly side of 5th Street and the southerly side of Ludlow Street, and extends into the bed of Ludlow Street approximately four feet (4'- 0").
- C. Ludlow Street Air Conditioning Supports and Units – up to three (3) separate encroachments consisting of three (3) metal air conditioning supports and five (5) air conditioning units constitute the Ludlow street air conditioner supports and units. All supports are of metal frame located at grade level on the sidewalk. One (1) set is approximately seven feet (7'-0") in length, approximately four feet six inches (4'- 6") in width and approximately fourteen feet (14'- 0") in height supporting one (1) air conditioning unit. The rectangular area containing this encroachment begins approximately seventy feet (70'- 0") east of the intersection of the confirmed street lines of the easterly side of 5th Street and the southerly side of Ludlow Street, and extends into the bed of Ludlow Street approximately two feet six inches (2'- 6"). A second (2nd) set is approximately seven feet six inches (7'-6") in length, approximately four feet four inches (4'- 4") in width and approximately fifteen feet (15'- 0") in height supporting two (2) air conditioning units. The rectangular area containing this encroachment begins approximately forty feet (40'- 0") east of the intersection of the confirmed street lines of the westerly side of 4th Street and the southerly side of Ludlow Street, and extends into the bed of Ludlow Street approximately three feet (3'- 0"). A third (3rd) set is approximately seven feet six inches (7'-6") in length, approximately three feet four inches (3'- 4") in width and approximately fifteen feet (15'- 0") in height supporting two (2) air conditioning units. The rectangular area containing this encroachment begins approximately fifty-six feet (56'- 0") east of the intersection of the confirmed street lines of the westerly side of 4th Street and the southerly side of Ludlow Street, and extends into the bed of Ludlow Street approximately three feet (3'- 0").
- D. Ludlow Street Steps and Landing Platforms – up to three (3) separate encroachments located at grade level on the sidewalk. All sets of steps and landing platforms are of masonry construction. One (1) set is approximately eleven feet (11'- 0") in length, approximately five feet (5'- 0") in width and approximately four feet (4'- 0") in height. Two (2) sets are approximately twenty-two feet (22'- 0") in length, approximately five feet (5'- 0") in width and four feet (4'- 0") in height. All three (3) sets of steps and landing platforms are located within a rectangular area approximately two hundred fifteen feet (215'- 0") in length and five feet (5'- 0") in width. The rectangular area containing these encroachments begins approximately seventy-eight feet (78'- 0") east of the

# City of Philadelphia

BILL NO. 110615 continued

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- intersection of the confirmed street lines of the easterly side of 5th Street and the southerly side of Ludlow Street, and extends into the bed of Ludlow Street approximately four feet (4' - 0").
- E. Ludlow Street Surveillance Cameras – three (3) separate encroachments, consisting of wall mounted surveillance cameras constitute the Ludlow Street Surveillance Cameras. Each surveillance camera is approximately one foot six inches (1' - 6") in length, mounted on the face of the building approximately twenty feet (20' - 0") in height above the grade level of the sidewalk, focused on the adjacent steps and landing platforms, and extends into the bed of Ludlow Street approximately one foot six inches (1' - 6"). The rectangular area containing these encroachments begins approximately ninety-three feet (93' - 0") east of the intersection of the confirmed street lines of the easterly side of 5th Street and the southerly side of Ludlow Street.
- F. Ludlow Street Sidewalk Bollards – up to twenty-four (24) separate encroachments, consisting of concrete filled metal bollards, constitute the Ludlow Street Sidewalk Bollards. Each bollard is approximately five inches (5") in diameter and approximately three feet nine inches (3' - 9") in height, mounted at grade level on the sidewalk paving. All bollards are spaced a minimum of nine feet (9' - 0") from each other and are located within a rectangular area approximately two hundred forty-eight feet (248' - 0") in length, beginning at the south curb line of Ludlow Street and extending inward into the sidewalk a width of two feet (2' - 0"). The rectangular area containing these encroachments begins approximately forty feet (40' - 0") west from the west curb line of 4th Street.

## 4th Street Descriptions

On the West Footway of Fourth Street between Ranstead and Ludlow Streets.

- A. Fourth Street Sidewalk Building Entrance – up to seven (7) separate encroachments, consisting of three (3) sets of masonry steps and four masonry buttresses with attached Ornamental Metal Light Standards, constitute the Fourth Street Sidewalk Building Entrance. The rectangular area containing these encroachments is approximately fifty-four feet (54' - 0") in length, approximately nine feet (9' - 0") in width and approximately four feet (4' - 0") in height. The encroachment begins approximately thirty-nine feet (39' - 0") south from the intersection of the confirmed street lines of the south side of Ludlow Street with the west side of 4th Street and extends into the bed of 4th Street approximately four feet five inches (4' - 5").
- B. Fourth Street Area Building Encroachment – adjacent to, and over, steps closest to Ludlow Street and Ranstead Street. Two (2) separate encroachments consisting of two (2) one (1) story buildings constructed of masonry, metal frame with glass

# City of Philadelphia

BILL NO. 110615 continued

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and masonry steps at grade level on the sidewalk leading down to a sublevel building area. All building encroachments and steps are located within a rectangle approximately thirty-four feet (34'- 0") in length, approximately four feet (4'- 0") in width and approximately twelve feet (12'- 0") in height. The rectangular area containing the southerly one (1) story building encroachment begins approximately five feet (5'- 0") north from the confirmed north street line of Ranstead Street, and extends into the bed of 4th Street approximately four feet (4'- 0"). The rectangular area containing the northerly one (1) story building encroachments begins approximately five feet (5'- 0") south from the confirmed south street line of Ludlow Street, and extends into the bed of 4th Street approximately four feet five inches (4'- 5").

- C. Fourth Street Sidewalk Planters – up to seven (7) separate encroachments, consisting of sidewalk mounted planters, constitutes the Fourth Street Sidewalk Planters. Each planter ranges from approximately five feet (5'- 0") to six feet (6'- 0") square, and ranges from approximately one foot six inches (1'- 6") to two feet (2'- 0") in height, with all planters mounted at grade level on the sidewalk paving. Spacing between planters varied to accommodate other sidewalk objects, but planters are spaced a minimum of three feet (3'- 0") from each other. The planter encroachments are located approximately one foot (1'- 0") west of the west curb line of 4th Street and within a rectangular area approximately one hundred three feet (103'- 0") in length and approximately six feet (6'- 0") in width. The rectangular area containing these encroachments begins approximately twenty-five feet (25'- 0") south of the south curb line of Ludlow Street.

## Ranstead Street Descriptions

On the North Footway of Ranstead Street, between Fourth and Fifth Streets.

- A. Ranstead Street Cornices – at the roof level, two (2) separate masonry encroachments extending south from the face of the building, constitutes the Ranstead Street Cornices. Each cornice is approximately four feet (4'- 0") in width and approximately seventy-three feet (73'- 0") in length. The rectangular area containing the encroachment near 5th Street begins at the intersection of the confirmed street lines of the easterly side of 5th Street and the northerly side of Ranstead Street extending eastwardly approximately seventy-three feet (73'- 0") along Ranstead Street, and extends into the bed of Ranstead Street approximately four feet (4'- 0"). The rectangular area containing the encroachment near 4th Street begins at the intersection of the confirmed street lines of the westerly side of 4th Street and the northerly side of Ranstead Street and extends westwardly approximately seventy-three feet (73'- 0") along Ranstead Street, and extends into the bed of Ranstead Street approximately four feet (4'- 0").

# City of Philadelphia

BILL NO. 110615 continued

Certified Copy

- B. Ranstead Street Window Wells – up to three (3) separate encroachments located at grade level on the sidewalk constitute the Ranstead Street Window Wells. All window wells are of masonry construction and covered with metal grates. These window wells are approximately nine feet six inches (9'- 6") in length and five feet (5'- 0") in width. All window well encroachments are located within a rectangular area approximately forty-five feet (45'- 0") in length and five feet (5'- 0") in width. The rectangular area containing these encroachments begins approximately thirteen feet (13'- 0") east of the intersection of the confirmed street lines of the easterly side of 5th Street and the northerly side of Ranstead Street, and extends into the bed of Ranstead Street approximately four feet (4'- 0").
- C. Ranstead Street Air Conditioning Support and Units – this encroachment consists of a metal air conditioning support and two (2) air conditioning units. This encroachment is approximately thirteen feet six inches (13'- 6") in length, approximately four feet (4'- 0") in width and approximately thirteen feet (13'- 0") in height. The rectangular area containing this encroachment begins approximately forty-eight feet (48'- 0") west of the intersection of the confirmed street lines of the westerly side of 4th Street and the northerly side of Ranstead Street and extends into the bed of Ranstead Street approximately two feet (2'- 0").
- D. Ranstead Street Surveillance Cameras – two (2) separate encroachments, consisting of wall mounted surveillance cameras, constitute the Ranstead Street Surveillance Cameras. Each surveillance camera is approximately one foot six inches (1'- 6") in length, mounted on the face of the building approximately fifteen feet (15'- 0") in height above the grade level of the sidewalk. The most easterly surveillance camera is located approximately one hundred twelve feet (112'- 0") west of the intersection formed by the confirmed street lines of the westerly side of 4th Street and northerly side of Ranstead Street. The most westerly surveillance camera is located approximately one hundred thirteen feet (113'- 0") east of the intersection formed by the confirmed street lines of the easterly side of 5th Street and the northerly side of Ranstead Street.
- E. Ranstead Street Landing Platform and Steps with attached Mechanical Freight Lifting Platform and Bollards – this encroachment is located at grade level on the sidewalk. The landing platform and steps are of masonry construction. The attached mechanical freight lifting platform is of metal construction. The masonry landing platform and steps are approximately thirteen feet (13'- 0") in length, approximately six feet (6'- 0") in width and approximately three feet (3'- 0") in height. The attached mechanical freight lifting platform is approximately five feet (5'- 0") in length and four feet (4'- 0") in width. In the raised position the metal platform is flush with the top of the concrete platform and in the lowered position the metal platform is flush with the sidewalk. The protective bollards are approximately six inches (0'- 6") in diameter and approximately three

# City of Philadelphia

BILL NO. 110615 continued

Certified Copy

feet (3' - 0") in height, mounted at grade level on the sidewalk paving and located at the southerly most corners of the mechanical freight lifting platform. The rectangular area containing this encroachment begins approximately sixty-three feet (63' - 0") west of the intersection formed by the confirmed street lines of the westerly side of 4th Street and the northerly side of Ranstead Street and extends into the bed of Ranstead Street approximately eight feet (8' - 0").

SECTION 2. Before exercising any rights or privileges under this Ordinance, Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P. 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, Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P. shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P., 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 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;
- (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

# City of Philadelphia

BILL NO. 110615 continued

Certified Copy

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; and
- (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 right-of-way of any affected streets.

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

SECTION 4. The City Solicitor shall include in the Agreement such other terms and conditions deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P. to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P. 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.

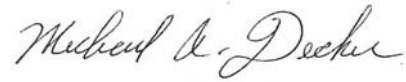
SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

# City of Philadelphia

BILL NO. 110615 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 27, 2011. The Bill was Signed by the Mayor on November 14, 2011.



Michael A. Decker  
Chief Clerk of the City Council