City of Philadelphia

(Bill No. 070689)

AN ORDINANCE

Authorizing CNO, LLC, their successors and assigns, to own, operate, and maintain multi-level bay windows and decks as part of the residential development project at 850 N. 3rd Street, under certain terms and conditions.

WHEREAS, CNO, LLC, owns the property located at 850 N. 3rd Street, Philadelphia, PA 19123;

WHEREAS, CNO, LLC, has requested permission to own, operate, and maintain multi-level bay windows and decks as part of the residential development project at 850 N. 3rd Street, Philadelphia, PA 19123;

WHEREAS, The proposed multi-level bay windows exceed the dimensional requirements in Section 11-603(4) of The Philadelphia Code; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. CNO, LLC, their successors and assigns, are hereby authorized to own, operate, and maintain multi-level bay windows and decks as part of the residential development project at 850 N. 3rd Street. The bay windows and decks will encroach over the east sidewalk of N. Orianna Street. The multi-level bay windows and decks, located at the 2nd and 3rd levels of the building, encroach approximately three feet (3') over the east sidewalk of N. Orianna Street at a clear distance of approximately ten feet (10') above the sidewalk. The variable width bays and decks, which occupy approximately one hundred and forty-four feet (144') of building frontage, connect with nine (9) residential units.

Section 2. The placement of the multi-level bay windows and decks 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, the Department of Streets and the Art Commission.

Section 3. Before exercising any rights or privileges under this Ordinance, CNO, LLC, must first obtain or have their 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 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

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and privileges under this Ordinance, CNO, LLC, shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that CNO, LLC, shall, *inter alia*:

(a) 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 multi-level bay windows and decks, or in lieu thereof, submit documentation in a form and content acceptable to the City that CNO, LLC, self-assumes the liabilities and obligations normally covered by Surety Bond;

(b) 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;

(c) 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 placement of the multi-level bay windows and decks;

(d) 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 CNO, LLC, are self-insured and are 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;

(e) insure that all construction contractors for the multi-level bay windows and decks 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

(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 on N. Orianna Street.

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Section 4. 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 5. The permission granted to CNO, LLC, for the placement of the multi-level bay windows and decks described in Section 1 shall expire without any further action by the City of Philadelphia if CNO, LLC, have not entered into an Agreement with the City Solicitor 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 November 15, 2007. The Bill was Signed by the Mayor on November 29, 2007.

Patricia Rafferty
Chief Clerk of the City Council