

# City of Philadelphia



(Bill No. 030247)

## AN ORDINANCE

Authorizing Gold Incorporated to construct, own, and maintain a one story building addition on the east footway of Twelfth street adjacent to the property 1648-1652 East Passyunk avenue, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Gold Inc., owner of the property 1648-1652 East Passyunk Avenue, Philadelphia, PA 19138 to construct, own and maintain a one story building addition that is approximately sixty-one feet (61') long, fifteen feet (15') high and extends approximately four feet onto the east footway of Twelfth street adjacent to 1648-1652 East Passyunk avenue. The one story building addition begins at a point approximately twelve feet (12') north of the north curb line of Morris street and will leave an eight foot (8') clear footway.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Gold Inc. 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, Gold Inc. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that Gold 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 Law Department 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 construction, ownership and maintenance of the one (1) story building addition on the public right-of-way;
- (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 one (1) story building addition on the public right-of-way encroaches no more than the dimensions set forth in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(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 Law Department; and

(f) remove the one (1) story building addition from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The Law Department 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 Gold Inc. to construct, own and maintain the one (1) story building addition on the east footway of Twelfth street adjacent to 1648-1652 East Passyunk avenue shall expire without any further action by the City of Philadelphia if Gold Inc. 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 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 June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty  
Chief Clerk of the City Council