

City of Philadelphia



(Bill No. 020604)

AN ORDINANCE

Authorizing the Federal Reserve Bank to construct, own, and maintain concrete planters, bollards and removable bollards on the west footway of Independence Mall West, north footway of Arch street and the east footway of Seventh street adjacent to the property Ten Independence Mall West, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Federal Reserve Bank, owner of the property Ten Independence Mall West, Philadelphia, PA 19106, to construct, own and maintain concrete planters and concrete bollards on footways adjacent to Ten Independence Mall West. Each bollard has a diameter of one foot (1'), is forty-two inches (42") high and is embedded within a two foot (2') concrete footing that is thirty-two inches (32") below the footway surface. A metal plate flush with the footway will be installed during all times when a removable bollard is not in place on the footway. The four types of planters are:

- five foot (5') diameter by three feet (3') high precast concrete (round)
- twelve feet (12') long by three feet (3') wide by three feet (3') high precast concrete (12')
- eight feet (8') long by three feet (3') wide by three feet (3') high precast concrete (8')
- sixteen feet (16') long by five feet (5') wide by eighteen inches (18") high cast-in-place (16')

(1) Seventeen (17) planters on the west footway of Independence Mall West (formerly Sixth street) adjacent to Ten Independence Mall West. Each round planter will be set back eighteen inches (18") from the face of the curb. The 12' and 8' planters will be set back between thirty-six inches (36") and forty-eight inches (48") from the face of curb. The minimum clear footway will be thirteen feet (13'). The centerline of each planter will be located at the following offsets from the north curb line of Arch street:

- (a) twenty-three feet (23') round
- (b) thirty-four feet (34') round
- (c) forty-four feet (44') 8'
- (d) seventy feet (70') 12'
- (e) ninety-seven feet (97') 12'
- (f) one hundred and twenty-five feet (125') 12'
- (g) one hundred and forty-seven feet (147') round
- (h) one hundred and fifty-six feet (156') round

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- (i) one hundred and sixty-five feet (165') round
- (j) one hundred and seventy-four feet (174') round
- (k) one hundred and eighty-three feet (183') round
- (l) two hundred and six feet (206') 12'
- (m) two hundred and thirty-three feet (233') 12'
- (n) two hundred and sixty-one feet (261') 12'
- (o) two hundred and eighty-nine feet (289') 12'
- (p) three hundred and twenty-nine feet (329') 12'
- (q) three hundred and forty-six feet (346') 12'

(2) Nine (9) planters on the north footway of Arch street adjacent to Ten Independence Mall West. Each planter will be set back eighteen inches (18") from the face of curb. The minimum clear footway will be eight feet, six inches (8'-6"). The centerline of each planter will be located at the following offsets from the east curb line of Seventh street:

- (a) forty-six feet (46') 12'
- (b) sixty-two feet (62') 12'
- (c) ninety-three feet (93') 16'
- (d) one hundred and thirty-four feet (134') 16'
- (e) one hundred and seventy-four feet (174') 16'
- (f) two hundred and forty-seven feet (247') 16'
- (g) two hundred and eighty-seven feet (287') 16'
- (h) three hundred and twenty-seven feet (327') 16'
- (i) three hundred and sixty-five feet (365') 12'

(3) Eleven (11) planters on the east footway of Seventh street adjacent to Ten Independence Mall West. Each planter will be set back eighteen inches (18") from the face of curb. The minimum clear footway will be six feet (6'). The centerline of each planter will be located at the following offsets from the north curb line of Arch street:

- (a) twenty-one feet (21') 8'
- (b) forty-eight feet (48') 8'
- (c) seventy-five feet (75') 8'
- (d) one hundred and two feet (102') 8'
- (e) one hundred and twenty-eight feet (128') round
- (f) one hundred and sixty-seven feet (167') round
- (g) one hundred and seventy-five feet (175') round
- (h) two hundred and fourteen feet (214') round
- (i) two hundred and thirty-eight feet (238') 8'
- (j) two hundred and sixty-five feet (265') 8'
- (k) two hundred and ninety-four feet (294') 8'

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(4) Thirty (30) bollards on the west footway of Independence Mall West (formerly Sixth street) adjacent to Ten Independence Mall West. Each bollard is sixty-six inches (66") west of the west curb face of Independence Mall West. The centerline of each bollard will be located at the following offsets from the north curb line of Arch street:

- (a) twenty-eight feet (28')
- (b) fifty-two feet (52')
- (c) fifty-six feet (56')
- (d) sixty feet (60')
- (e) eighty feet (80')
- (f) eighty-four feet (84')
- (g) eighty-eight feet (88')
- (h) one hundred and seven feet (107')
- (i) one hundred and eleven feet (111')
- (j) one hundred and fifteen feet (115')
- (k) one hundred and twenty-six feet (126')
- (l) one hundred and thirty feet (130')
- (m) one hundred and thirty-four feet (134')
- (n) one hundred and eighty-one feet (181')
- (o) one hundred and eighty-five feet (185')
- (p) one hundred and eighty-nine feet (189')
- (q) two hundred and seven feet (207')
- (r) two hundred and eleven feet (211')
- (s) two hundred and fifteen feet (215')
- (t) two hundred and thirty-five feet (235')
- (u) two hundred and thirty-nine feet (239')
- (v) two hundred and forty-three feet (243')
- (w) two hundred and sixty-four feet (264')
- (x) two hundred and sixty-eight feet (268')
- (y) two hundred and seventy-two feet (272')
- (z) two hundred and ninety-two feet (292')
- (aa) two hundred and ninety-six feet (296')
- (bb) three hundred feet (300')
- (cc) three hundred and six feet (306')
- (dd) three hundred and eleven feet (311')

(5) Thirty (30) bollards on the north footway of Arch street adjacent to Ten Independence Mall West. Each bollard is eighteen inches (18") north of the north curb face of Arch street. The centerline of each bollard will be located at the following offsets from the east curb line of Seventh street:

- (a) sixteen feet (16')
- (b) twenty-one feet (21')

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- (c) thirty feet (30')
- (d) thirty-six feet (36')
- (e) seventy feet (70')
- (f) seventy-six feet (76')
- (g) eighty-two feet (82')
- (h) one hundred and five feet (105')
- (i) one hundred and eleven feet (111')
- (j) one hundred and seventeen feet (117')
- (k) one hundred and twenty-three feet (123')
- (l) one hundred and forty-three feet (143')
- (m) one hundred and forty-eight feet (148')
- (n) one hundred and fifty-four feet (154')
- (o) one hundred and sixty feet (160')
- (p) one hundred and sixty-six feet (166')
- (q) one hundred and eighty-six feet (186')
- (r) two hundred and thirty-six feet (236')
- (s) two hundred and fifty-eight feet (258')
- (t) two hundred and sixty-four feet (264')
- (u) two hundred and seventy feet (270')
- (v) two hundred and seventy-six feet (276')
- (w) two hundred and ninety-eight feet (298')
- (x) three hundred and four feet (304')
- (y) three hundred and ten feet (310')
- (z) three hundred and sixteen feet (316')
- (aa) three hundred and thirty-eight feet (338')
- (bb) three hundred and forty-four feet (344')
- (cc) three hundred and fifty feet (350')
- (dd) three hundred and seventy-one feet (371')

(6) Twenty-five bollards on the east footway of Seventh street adjacent to Ten Independence Mall West. Each bollard is eighteen inches (18") east of the east curb face of Seventh street. The centerline of each bollard will be located at the following offsets from the north curb line of Arch street:

- (a) twenty-eight feet (28')
- (b) thirty-four feet (34')
- (c) forty feet (40')
- (d) fifty-six feet (56')
- (e) sixty-two feet (62')
- (f) sixty-seven feet (67')
- (g) eighty-three feet (83')
- (h) eighty-nine feet (89')
- (i) ninety-five feet (95')
- (j) one hundred and ten feet (110')

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- (k) one hundred and sixteen feet (116')
- (l) one hundred and twenty-two feet (122')
- (m) two hundred and nineteen feet (219')
- (n) two hundred and twenty-five feet (225')
- (o) two hundred and thirty-one feet (231')
- (p) two hundred and forty-six feet (246')
- (q) two hundred and fifty-two feet (252')
- (r) two hundred and fifty-eight feet (258')
- (s) two hundred and seventy-three feet (273')
- (t) two hundred and seventy-nine feet (279')
- (u) two hundred and eighty-five feet (285')
- (v) three hundred and two feet (302')
- (w) three hundred and seven feet (307')
- (x) three hundred and thirteen feet (313')
- (y) three hundred and nineteen feet (319')

(7) Four (4) removable bollards on the west footway of Independence Mall West (formerly Sixth street) adjacent to Ten Independence Mall West. The centerline of each bollard will be located:

- (a) twenty-three feet (23') north of the north curb line of Arch street and eleven feet (11') west of the west curb line of Independence Mall West
- (b) twenty-three feet (23') north of the north curb line of Arch street and sixteen feet (16') west of the west curb line of Independence Mall West
- (c) three hundred and fifty-four feet (354') north of the north curb line of Arch street and nine feet (9') west of the west curb line of Independence Mall West
- (d) three hundred and fifty-four feet (354') north of the north curb line of Arch street and fifteen feet (15') west of the west curb line of Independence Mall West

(8) Eight (8) removable bollards on the north footway of Arch street adjacent to Ten Independence Mall West. The centerline of each bollard will be located:

- (a) sixteen feet (16') east of the east curb line of Seventh street and six and one half feet (6½') north of the north curb line of Arch street
- (b) sixteen feet (16') east of the east curb line of Seventh street and eleven and one half feet (11½') north of the north curb line of Arch street
- (c) one hundred and eighty-six feet (186') east of the east curb line of Seventh street and six and one half feet (6½') north of the north curb line of Arch street

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- (d) one hundred and eighty-six feet (186') east of the east curb line of Seventh street and eleven and one half feet (11½') north of the north curb line of Arch street
 - (e) two hundred and thirty-six feet (236') east of the east curb line of Seventh street and six and one half feet (6½') north of the north curb line of Arch street
 - (f) two hundred and thirty-six feet (236') east of the east curb line of Seventh street and eleven and one half feet (11½') north of the north curb line of Arch street
 - (g) three hundred and seventy-six feet (376') east of the east curb line of Seventh street and six and one half feet (6½') north of the north curb line of Arch street
 - (h) three hundred and seventy-six feet (376') east of the east curb line of Seventh street and eleven and one half feet (11½') north of the north curb line of Arch street
- (9) Five (5) removable bollards on the east footway of Seventh street adjacent to Ten Independence Mall West. The centerline of each bollard will be located:
- (a) nineteen feet (19') north of the north curb line of Arch street and ten feet (10') east of the east curb line of Seventh street
 - (b) one hundred and thirty-two feet (132') north of the north curb line of Arch street and ten feet (10') east of the east curb line of Seventh street
 - (c) two hundred and ten feet (210') north of the north curb line of Arch street and ten feet (10') east of the east curb line of Seventh street
 - (d) three hundred and nineteen feet (319') north of the north curb line of Arch street and six and one half feet (6½') east of the east curb line of Seventh street
 - (e) three hundred and nineteen feet (319') north of the north curb line of Arch street and eleven and one half feet (11½') east of the east curb line of Seventh street

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Federal Reserve Bank 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, the Federal Reserve Bank shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the Federal Reserve Bank shall, *inter alia*:

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(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 concrete planters, bollard and removable bollards within the public rights-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;

(d) insure that the concrete planters, bollards and removable bollards within the public rights-of-way encroach 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 concrete planters, bollards and removable bollards from the public rights-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 the Federal Reserve Bank to construct, own and maintain concrete planters, bollards and removable bollards on the west footway of Independence Mall West, north footway of Arch street and the east footway of Seventh street adjacent to the property Ten Independence Mall West shall expire without any further action by the City of Philadelphia if the Federal Reserve Bank 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 November 21, 2002. The Bill was Signed by the Mayor on December 3, 2002.



Marie B. Hauser
Chief Clerk of the City Council