

# City of Philadelphia



(Bill No. 060398)

## AN ORDINANCE

Authorizing One Meridian Partners, L.P., 121 South Broad Street, Philadelphia, PA 19107, owner of the property 1414-1438 South Penn Square, Philadelphia, PA 19102, to construct and maintain a building encroachment under the south footway of South Penn Square; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to One Meridian Partners, L.P., 121 South Broad Street, Philadelphia, PA 19107, owner of the property 1414-1438 South Penn Square, to construct and maintain a building encroachment under the south footway of South Penn Square projecting a maximum of approximately fifteen feet (15') into the public right-of-way from a point located approximately one hundred and two feet (102') east of the east curb line of Fifteenth street to a point located approximately two hundred and sixty-one feet (261') east of the east curb line of Fifteenth street for a total distance of approximately one hundred and fifty-nine feet (159'). The building encroachment extends vertically downwardly from the footway grade of South Penn Square which is the roof slab of the "upper concourse" level of the building to the "lower concourse" level of the building which is approximately twenty-six feet (26') below the footway grade.

SECTION 2. Before exercising any rights or privileges under this Ordinance, One Meridian Partners, 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, One Meridian Partners, L.P. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that One Meridian Partners, L.P. 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 City Solicitor to insure the 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 and maintenance of the building encroachment listed in Section 1 of this Ordinance;

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(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 building encroachment authorized by Section 1 does not exceed the dimensions set forth 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;

(f) remove the building encroachment authorized by Section 1 from into and under the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) submit to the City of Philadelphia in a form designated by the City of Philadelphia a set of “as built” building plans within ninety (90) days after the completion of the building encroachment described in Section 1.

SECTION 3. 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 4. The permission granted to One Meridian Partners, L.P. to construct the building encroachment under the south footway of South Penn Square shall expire without any further action by the City of Philadelphia if One Meridian Partners, L.P. 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 1, 2006. The Bill was Signed by the Mayor on June 15, 2006.



Patricia Rafferty  
Chief Clerk of the City Council