

# City of Philadelphia



(Bill No. 030199)

## AN ORDINANCE

Authorizing David Dinh, 1122 South Tenth Street, Philadelphia, PA 19147 to construct, own, and maintain a one story vestibule addition on the south footway of Washington avenue and a dumpster enclosure on the east footway of Tenth street adjacent to the property 932 Washington avenue, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to David Dinh, 1122 South Tenth Street, Philadelphia, PA 19147, owner of the property at 932 Washington Avenue, Philadelphia, PA 19147 to construct, own and maintain the following structures on the public rights-of-way adjacent to the property 932 Washington avenue:

(a) a one story vestibule addition that is approximately eighteen feet (18') long, twelve feet (12') high and extends approximately six feet, five inches (6'-5") onto the south footway of Washington avenue. The one story vestibule addition begins at a point approximately thirty-five feet (35') east of the east curb line of Tenth street and leaves a clear footway of approximately seven feet, seven inches (7'-7").

(b) a dumpster enclosure that is approximately six feet (6') long, ten feet (10') high and extends approximately five feet (5') onto the east footway of Tenth street. The dumpster enclosure begins at a point approximately fifty-four feet (54') south of the south curb line of Washington avenue and leaves a clear footway of approximately seven feet (7').

SECTION 2. Before exercising any rights or privileges under this Ordinance, David Dinh 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, David Dinh shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that David Dinh 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;

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(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 vestibule addition and the dumpster enclosure on 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 one (1) story vestibule addition and the dumpster enclosure on 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 one (1) story vestibule addition and the dumpster enclosure 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 David Dinh to construct, own and maintain the one (1) story vestibule addition on the south footway of Washington avenue and the dumpster enclosure on the east footway of Tenth street adjacent to 932 Washington avenue shall expire without any further action by the City of Philadelphia if David Dinh 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 May 8, 2003. The Bill was Signed by the Mayor on May 29, 2003.



Patricia Rafferty  
Chief Clerk of the City Council