

City of Philadelphia



(Bill No. 020354)

AN ORDINANCE

Authorizing the Holy Name of Jesus Parish, owner of the property 700–712 East Gaul Street, Philadelphia, PA, 19125, to construct, own and maintain a retaining wall with a mounted fence and landscaped area on and over the south footway of East Gaul street adjacent to the property, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Holy Name of Jesus Parish, owner of the property 700-712 East Gaul Street, Philadelphia, PA 19125, to construct, own and maintain a retaining wall with a mounted fence and landscaped area on and over the south footway of East Gaul street adjacent to the property 700-712 East Gaul street. The concrete block retaining wall will be approximately three feet (3') high and have a fence extending from the top of the wall for an additional three feet, six inches (3'-6"). The total overall height of the retaining wall and mounted fence is approximately six feet, six inches (6'-6"). The curvilinear retaining wall begins at the façade of the building approximately seventy-six feet (76') west of the west curb line of Hewson street and extends to a point at the building façade approximately ninety-two feet (92') west of the west curb line of Hewson street for an overall length of approximately sixteen feet (16'). The retaining wall extends onto the south footway of East Gaul street a maximum of approximately three feet, four inches (3'-4"), leaving a minimum clear footway of approximately eight feet, eight inches (8'-8"). The area between the retaining wall and the building façade will include landscaping and a religious shrine.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Holy Name of Jesus Parish 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 Holy Name of Jesus Parish shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Holy Name of Jesus Parish 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;

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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 erection of the retaining wall, fence and landscaped area on the south footway of East Gaul street described in Section 1 of this Ordinance;

(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 retaining wall, fence and landscaped area authorized by Section 1 do 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; and

(f) Remove the retaining wall, fence and landscaped area authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

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 the Holy Name of Jesus Parish to construct the retaining wall, fence and landscaped area on and over the south footway of East Gaul street adjacent to the property 700-712 East Gaul street shall expire without any further action by the City of Philadelphia if the Holy Name of Jesus Parish 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 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser
Chief Clerk of the City Council