

City of Philadelphia



(Bill No. 040208)

AN ORDINANCE

Authorizing Homewood Suites Hotel, Stout Road Associates, 4200 City Avenue, Philadelphia, PA 19131, owners of the property 4200 City Avenue, their successors and assigns, to construct and maintain a building addition and footing into the public right-of-way of Stout Road east of City Avenue, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Homewood Suites Hotel, Stout Road Associates, owners of the property 4200 City Avenue, their successors and assigns, to construct, own and maintain:

A twelve (12) story building addition proposed for an existing hotel complex located at City Avenue and Stout Road. At three (3) locations, a portion of the building addition and below grade footing will project into the north public footway of Stout Road. Each encroachment (building face and footing) form a triangular projection. The specifications below will locate the approximate centerline of each encroachment, from City Avenue, and provide the approximate radial projection into the north footway of Stout Road.

<u>Centerline Location</u>	<u>Building Projection</u>	<u>Footing Projection</u>
Three hundred and eighty-three feet (383') eecl of City Avenue	One foot (1')	Four feet (4')
Four hundred and five feet (405') eecl of City Avenue	One foot three inches (1'3")	Three feet three inches (3'3")
Four hundred and twenty-four feet (424') eecl of City Avenue	One foot three inches (1'3")	Four feet (4')

* eecl- east of the east curbline

SECTION 2. The construction, use, and maintenance of the building addition and footing listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, the Department of Streets and the Art Commission.

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SECTION 3. Before exercising any rights or privileges under this Ordinance, Homewood Suites Hotel, Stout Road Associates must first obtain or have its contractor(s) 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 and privileges under this Ordinance, Homewood Suites Hotel, Stout Road Associates shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Homewood Suites Hotel, Stout Road Associates shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, they shall remove the building addition and footing without cost or expense to the City when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the building addition and footing or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Homewood Suites Hotel, Stout Road Associates self-assume liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by the reason of the construction of the building addition and footing;
- (e) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be

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satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Homewood Suites Hotel, Stout Road Associates are self insured and are providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

- (f) insure that all construction contractors for the building addition and footing carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department;
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public footways on City Avenue and Stout Road adjacent to the property.

SECTION 4. 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 5. The permission granted to Homewood Suites Hotel, Stout Road Associates to construct, own and maintain the building addition and footing described in Section 1 shall expire without any further action by the City of Philadelphia if Homewood Suites Hotel, Stout Road Associates have not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 6. 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 April 22, 2004. The Bill was Signed by the Mayor on May 6, 2004.



Patricia Rafferty
Chief Clerk of the City Council