



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 100015

Introduced January 28, 2010

Councilmember Clarke

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing Charles Weiner to construct, own and maintain a building encroachment at 3653 Germantown Avenue under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Charles Weiner to construct, own and maintain a building encroachment at 3653 Germantown Avenue that will encroach upon the south sidewalk of Erie Avenue as follows:

The proposed addition to the building is located on the Southerly side of Erie Avenue in the 43rd Ward of the City of Philadelphia, described according to a survey thereof made by John Parkinson, Surveyor and Regulator of the 9th Survey District November 19, 2009, as seen on the attached Survey:

The structure encroaches onto the south sidewalk approximately twelve feet (12') leaving a distance approximately sixteen feet (16') for clear pedestrian traffic.

SECTION 2. The construction, use and maintenance of the building encroachment described 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 and the Department of Streets, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Charles Weiner must first obtain or have his 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,

City of Philadelphia

BILL NO. 100015 continued

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, and Section 11-609 of The Philadelphia Code notwithstanding before exercising any rights and privileges under this Ordinance, Charles Weiner shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Charles Weiner *inter alia*:

- (a) 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;
- (b) 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 and step within the right-of-way;
- (c) insure that all construction contractors for the building encroachment 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 City Solicitor; and
- (d) 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 right-of-way of any affected streets.

SECTION 4. 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 5. The permission granted to Charles Weiner to construct, own and maintain the building encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Charles Weiner has 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.