

City of Philadelphia



(Bill No. 110231)

AN ORDINANCE

Authorizing Liberty/Parkway 8th & Walnut, LP (“LPLP”), or its designee, to construct, use and maintain a marquee attached to the proposed building to be located at the southwest corner of 8th and Walnut Streets and projecting over the footways of 8th and Walnut Streets; and authorizing LPLP or its designee to construct, use and maintain an upper linear building and façade encroachment over the south footway of Walnut Street between 8th Street and 9th Street and an upper level linear building and façade encroachment over the west footway of 8th Street between Walnut Street and Locust Street; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to LPLP or its designee to construct, use and maintain a continuous, wrap-around marquee attached to the proposed building to be located at the southwest corner of 8th and Walnut Streets, that will encroach upon portions of 8th and Walnut Streets as follows (“Marquee”):

The proposed Marquee projects approximately ten feet (10’-0”) onto the south footway of Walnut Street, and is approximately twenty-four feet (24’) in length, with a minimum clearance of approximately ten feet (10’) above Walnut Street.

The proposed Marquee projects approximately ten feet (10’-0”) onto the west footway of 8th Street, and is approximately seventy-three feet (73’) in length, with a minimum clearance of approximately ten feet (10’) above 8th Street.

SECTION 2. Permission is hereby granted to LPLP or its designee to construct, use and maintain an upper linear building and facade encroachment that will encroach above portions of 8th and Walnut Streets as follows (“Encroachments”):

An overhead building and facade encroachment parallel to 8th Street one hundred and fifty-four feet (154’) long, encroaching six feet (6’) to the east of the 8th Street property line, starting at an elevation of sixty feet (60’) above the sidewalk level of 8th Street (Philadelphia vertical datum 25.94’-27.84’).

An overhead building and façade encroachment parallel to Walnut Street sixty-four feet (64’) long, encroaching three feet (3’) to the north of the

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Walnut Street property line, starting at an elevation of twelve feet (12') above the sidewalk level of Walnut Street (Philadelphia vertical datum 25.94'-27.15').

SECTION 3. The construction, use and maintenance of the Marquee described in Section 1 and the Encroachments described in Section 2 shall be in accordance with the applicable laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections and the Department of Streets. The Department of Streets, in its sole, unreviewable discretion, may allow minor variations in the dimension limits of the Marquee described in Section 1 and the Encroachments described in Section 2, within standard tolerances of current engineering practices.

SECTION 4. Before exercising any rights or privileges under this Ordinance, the party in interest or its designee must first obtain and have their 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.

SECTION 5. In addition, before exercising any rights and privileges under this Ordinance, the party in interest or its designee shall enter into an agreement ("Encroachment Agreement") with the appropriate City departments, satisfactory to the City Solicitor, to provide that the party in interest or its designee *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, the party in interest or its designee, shall remove the Marquee, or any portion thereof, 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 a bond with corporate surety in an 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 Encroachment 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 Marquee (or its removal) and/or the Encroachments;
- (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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may

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be necessary by reason of the construction of the Marquee or Encroachments;

- (e) carry public liability and property damage insurance co-naming the City of Philadelphia as an additional insured party, in such amounts as shall be satisfactory to the City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that the party in interest or its designee is self-insured and is 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 Marquee and Encroachments carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the City Solicitor; and
- (g) give the City and all public utility companies the right-of-access, ingress and egress for the purpose of inspection, maintenance, alteration, construction or reconstruction of any of their respective facilities which may lie within the public right-of-way of any affected streets.

SECTION 6. The City Solicitor shall include in the Encroachment Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 7. The permission granted to the party in interest and its designee to construct, use and maintain the Marquee described in Section 1 and Encroachments described in Section 2 shall expire without any further action by the City of Philadelphia if the party in interest or its designee has not entered into an Encroachment Agreement and satisfied all the requirements of the Encroachment Agreement that are listed in Section 5 of this Ordinance within (1) year after this Ordinance becomes law.

SECTION 10. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date 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 2, 2011. The Bill was Signed by the Mayor on June 15, 2011.



Michael A. Decker
Chief Clerk of the City Council