

# City of Philadelphia



(Bill No. 150377)

## AN ORDINANCE

Authorizing the construction, ownership, and maintenance of various encroachments into the right-of-way of Market Street, Filbert Street, 11th Street, 10th Street, 9th Street and 8th Street, and authorizing the assignment of certain rights with respect to an overhead pedestrian bridge above Filbert Street west of the house line of Ninth Street to be assigned, all under certain terms and conditions.

WHEREAS, the City and the Philadelphia Redevelopment Authority (then known as the Redevelopment Authority of the City of Philadelphia and referred to herein as the “Redevelopment Authority”) formulated and carried out certain plans for the redevelopment and renewal of properties on the north side of Market Street between 8th and 11th Streets commonly known as the Gallery Mall (the “Gallery Mall”); and

WHEREAS, the City and the Redevelopment Authority have since determined that the Gallery Mall would benefit from further redevelopment by PR Gallery I Limited Partnership, PR 907 Market, LP, and Keystone Philadelphia Properties, LP (together with their respective successors and assigns, collectively, the “Gallery Operator”); and

WHEREAS, by Ordinance No. 1343 approved by the Mayor on June 25, 1974 (the “Prior Ordinance”), City Council granted the Redevelopment Authority certain rights, duties and privileges (collectively, the “Bridge Rights”) with respect to an overhead pedestrian bridge (the “Bridge”) above Filbert Street west of the house line of Ninth Street; and

WHEREAS, the Prior Ordinance contemplated future assignment of the Bridge Rights by the Redevelopment Authority to the Philadelphia Parking Authority; and

WHEREAS, the Bridge was intended for use in connection with a part of the Gallery Mall commonly known as Gallery I (“Gallery I”); and

WHEREAS, to facilitate redevelopment of the Gallery Mall, City Council desires to authorize the Redevelopment Authority to assign the Bridge Rights to PR Gallery I Limited Partnership (together with its successors and assigns, collectively, the “Gallery I Operator”).

NOW THEREFORE,

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

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

SECTION 1. Permission is hereby granted to the Gallery Operator to construct, own and maintain right-of-way encroachments (the “Encroachments”) in the right-of-way of Market Street, Filbert Street, 11th Street, 10th Street, 9th Street and 8th Street as follows:

## Encroachment Description:

Market Street, North Side (10th to 11th Streets):

Segment A (Large Format Sign Encroachment):

From a point eight feet (8'-0") west of the property corner on the northeast corner of 11th and Market Streets, extending fifty four feet eleven inches (54'-11") east and eight feet (8'-0") over the northerly footway of Market Street (17'-4" clear footway remaining). The minimum clearance of the encroachment will be fifteen feet (15'-0") above said footway, and extending to a maximum height of eighty-five feet five inches (85'-5").

Segment B (Large Format Sign Encroachment):

From a point forty six feet eleven inches (46'-11") east of the property corner on the northeast corner of 11th and Market Streets, extending one hundred five feet three inches (105'-3") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be forty-three (43'-0") above said footway, and extending to a maximum height of sixty-three feet two inches (63'-2").

Segment C (Large Format Sign Encroachment):

From a point one hundred fifty two feet two inches (152'-2") east of the property corner on the northeast corner of 11th and Market Streets, extending sixty two feet eight inches (62'-8") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eight feet nine inches (8'-9") above said footway, and extending to a maximum height of sixty-five feet one inch (65'-1").

Segment D (Large Format Sign Encroachment):

From a point two hundred fourteen feet ten inches (214'-10") east of the property corner on the northeast corner of 11th and Market Streets, extending one hundred two feet (102'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be fifty-one feet nine inches (51'-9") above said footway, and extending to a maximum height of sixty-three feet two inches (63'-2").

Segment E (Large Format Sign Encroachment):

From a point three hundred sixteen feet ten inches (316'-10") east of the property corner on the northeast corner of 11th and Market Streets, extending thirty three feet (33'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

six inches (17'-6") above said footway, and extending to a maximum height of sixty-three feet five inches (63'-5").

**Segment F (Large Format Sign Encroachment):**

From a point three hundred forty-nine feet ten inches (349'-10") east of the property corner on the northeast corner of 11th and Market Streets, extending forty one feet six inches (41'-6") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet six inches (17'-6") above said footway, and extending to a maximum height of eighty five feet four inches (85'-4").

**Segment G (Large Format Sign Encroachment):**

From a point three hundred ninety one feet five inches (391'-5") east of the property corner on the northeast corner of 11th and Market Streets, extending eight feet (8'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet six inches (17'-6") above said footway, and extending to a maximum height of fifty-one feet five inches (51'-5").

**Segment MA (Marquee Encroachment):**

From a point eight feet (8'-0") west of the property corner on the northeast corner of 11th and Market Streets, extending four-hundred seven feet five inches (407'-5") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eight feet four inches (8'-4") above said footway, and extending to a maximum height of eighteen feet five inches (18'-5").

**Market Street, North Side (9th to 10th Streets):**

**Segment H1 (Large Format Sign Encroachment):**

From a point eight feet (8'-0") west of the property corner on the northeast corner of 10th and Market Streets, extending sixty feet (60'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eighteen feet four inches (18'-4") feet above said footway, and extending to a maximum height of sixty feet five inches (60'-5").

**Segment H2 (Large Format Sign Encroachment):**

From a point on the property corner on the northeast corner of 10th and Market Streets, extending twelve feet (12'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be sixty feet five inches (60'-5") feet above said footway, and extending to a maximum height of ninety-four feet five inches (94'-5").

**Segment I (Large Format Sign Encroachment):**

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point sixty-seven feet (67'-0") east of the property corner on the northeast corner of 10th and Market Streets, extending eighty nine feet (89'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be fifteen feet (15'-0") above said footway, and extending to a maximum height of twenty five feet (25'-0").

**Segment J (Large Format Sign Encroachment):**

From a point sixty-seven feet (67'-0") east of the property corner on the northeast corner of 10th and Market Streets, extending eighty nine feet (89'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be thirty four feet two inches (34'-2") above said footway, and extending to a maximum height of forty three feet nine inches (43'-9").

**Segment K (Large Format Sign Encroachment):**

From a point one-hundred seventy-six feet six inches (176'-6") east of the property corner on the northeast corner of 10th and Market Streets, extending thirty-eight feet (38'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eight feet (8'-0") above said footway, and extending to a maximum height of sixty-four feet two inches (64'-2").

**Segment L (Large Format Sign Encroachment):**

From a point two-hundred twenty-three feet two inches (223'-2") east of the property corner on the northeast corner of 10th and Market Streets, extending one hundred feet (100'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be ninety-three feet ten inches (93'-10") above said footway, and extending to a maximum height of one hundred feet two inches (100'-2").

**Segment M (Large Format Sign Encroachment):**

From a point two-hundred sixty-six feet six inches (266'-6") east of the property corner on the northeast corner of 10th and Market Streets, extending sixty five feet (65'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet (17'-0") above said footway, and extending to a maximum height of fifty nine feet one inch (59'-1").

**Segment N (Large Format Sign Encroachment):**

From a point two-hundred ninety-three feet two inches (293'-2") east of the property corner on the northeast corner of 10th and Market Streets, extending sixty five feet (65'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be fifty nine feet

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

one inch (59'-1") above said footway, and extending to a maximum height of ninety four feet two inches (94'-2").

**Segment MB (Marquee Encroachment):**

From a point eight feet (8'-0") west of the property corner on the northeast corner of 10th and Market Streets, extending three-hundred thirty-eight feet eleven inches (338'-11") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be ten feet one inch (10'-1") above said footway, and extending to a maximum height of twenty-one feet three inches (21'-3").

**Market Street, North Side (8th to 9th Streets):**

**Segment O (Large Format Sign Encroachment):**

From a point eight feet (8'-0") west of the property corner on the northeast corner of 9th and Market Streets, extending eight feet (8'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eighteen feet seven inches (18'-7") feet above said footway, and extending to a maximum height of seventy-six feet seven inches (76'-7").

**Segment P (Large Format Sign Encroachment):**

From a point on the property corner on the northeast corner of 9th and Market Streets, extending fifty three feet (53'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eighteen feet seven inches (18'-7") feet above said footway, and extending to a maximum height of fifty-four feet eight inches (54'-8").

**Segment Q (Large Format Sign Encroachment):**

From a point fifty three feet (53'-0") east of the property corner on the northeast corner of 9th and Market Streets, extending fifty three feet (53'-0") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eighteen feet seven inches (18'-7") feet above said footway, and extending to a maximum height of seventy-seven feet four inches (77'-4").

**Segment R (Large Format Sign Encroachment):**

From a point ninety one feet (91'-0") east of the property corner on the northeast corner of 9th and Market Streets, extending four feet eleven inches (4'-11") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be forty-five feet ten inches (45'-10") above said footway, and extending to a maximum height of fifty-four feet eight inches (54'-8").

**Segment S (Large Format Sign Encroachment):**

From a point ninety one feet (91'-0") east of the property corner on the northeast corner of 9th and Market Streets, extending four feet eleven inches (4'-11") east and eight feet

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

(8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be twenty eight feet four inches (28'-4") above said footway, and extending to a maximum height of thirty-seven feet five inches (37'-5").

Segment MC (Marquee Encroachment):

From a point eight feet (8'-0") west of the property corner on the northeast corner of 9th and Market Streets, extending one-hundred three feet eight inches (103'-8") east and eight feet (8'-0") over the northerly footway of Market Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be eleven feet nine inches (11'-9") above said footway, and extending to a maximum height of twenty-one feet four inches (21'-4").

11th Street, East Side (Market to Filbert Streets):

Segment T1 (Large Format Sign Encroachment):

From a point eight feet (8'-0") south of the property corner on the northeast corner of 11th and Market Streets, extending thirty six feet (36'-0") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be fifteen feet two inches (15'-2") above said footway, and extending to a maximum height of eighty-five feet two inches (85'-2").

Segment T2 (Large Format Sign Encroachment):

From a point twenty-seven feet six inches (27'-6") north of the property corner on the northeast corner of 11th and Market Streets, extending fourteen-feet ten inches (14'-10") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be sixty-four feet (64'-0") above said footway, and extending to a maximum height of seventy-four feet two inches (74'-2").

Segment U (Large Format Sign Encroachment):

From a point forty-three feet (43'-0") north of the property corner on the northeast corner of 11th and Market Streets, extending forty eight feet (48'-0") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be twenty two feet ten inches (22'-10") above said footway, and extending to a maximum height of thirty one feet ten inches (31'-10").

Segment V (Large Format Sign Encroachment):

From a point one-hundred eleven feet (111'-0") north of the property corner on the northeast corner of 11th and Market Streets, extending fifty five feet six inches (55'-6") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be nine feet nine inches (9'-9") above said footway, and extending to a maximum height of fifteen feet five inches (15'-5").

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

## Segment W (Large Format Sign Encroachment):

From a point one-hundred sixty-six feet six inches (166'-6") north of the property corner on the northeast corner of 11th and Market Streets, extending three feet (3'-0") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be nine feet nine inches (9'-9") above said footway, and extending to a maximum height of thirty nine feet two inches (39'-2").

## Segment X (Large Format Sign Encroachment):

From a point one-hundred sixty-nine feet six inches (169'-6") north of the property corner on the northeast corner of 11th and Market Streets, extending fifty five feet two inches (55'-2") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be twenty one feet four inches (21'-4") above said footway, and extending to a maximum height of thirty feet four inches (30'-4").

## Segment Y (Large Format Sign Encroachment):

From a point two-hundred twenty-four feet eight inches (224'-8") north of the property corner on the northeast corner of 11th and Market Streets, extending twenty six feet (26'-0") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-3/8" clear footway remaining). The minimum clearance of the encroachment will be twenty one feet four inches (21'-4") above said footway, and extending to a maximum height of thirty six feet four inches (36'-4").

## Segment MD (Marquee Encroachment):

From a point eight feet (8'-0") south of the property corner on the northeast corner of 9th and Market Streets, extending ninety-three feet six inches (93'-6") north and eight feet (8'-0") over the easterly footway of 11th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be six feet eight inches (6'-8") above said footway, and extending to a maximum height of nineteen feet (19'-0").

## 10th Street, East Side (Market to Filbert Streets):

### Segment Z (Large Format Sign Encroachment):

From a point eight feet (8'-0") south of the property corner on the northeast corner of 10th and Market Streets, extending thirty five feet ten inches (35'-10") north and eight feet (8'-0") over the easterly footway of 10th Street (5'-9-3/8" clear footway remaining). The minimum clearance of the encroachment will be nineteen feet six inches (19'-6") above said footway, and extending to a maximum height of fifty two feet six inches (52'-6").

### Segment AA (Large Format Sign Encroachment):

From on the property corner on the northeast corner of 10th and Market Streets, extending nine feet (9'-0") north and eight feet (8'-0") over the easterly footway of 10th Street (5'-9-3/8" clear footway remaining). The minimum clearance of the encroachment

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

will be fifty two feet six inches (52'-6") above said footway, and extending to a maximum height of ninety five feet four inches (95'-4").

**Segment AB-1 (Large Format Sign Encroachment):**

From a point sixty-three feet six inches (63'-6") north of the property corner on the northeast corner of 10th and Market Streets, extending eleven feet (11'-0") north and extending across the full width of 10th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be twenty two feet (22'-0") above the 10th Street footway, and extending to a maximum height of thirty nine feet (39'-0").

**Segment AB-2 (Large Format Sign Encroachment):**

From a point sixty-three feet six inches (63'-6") north of the property corner on the northeast corner of 10th and Market Streets, extending eight feet (8'-0") north and extending across the full width of 10th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be thirty-nine feet (39'-0") above the 10th Street footway, and extending to a maximum height of forty-two feet six inches (42'-6").

**Segment AC (Large Format Sign Encroachment):**

From a point one-hundred thirty-eight feet six inches (138'-6") north of the property corner on the northeast corner of 10th and Market Streets, extending thirty one feet (31'-0") north and eight feet (8'-0") over the easterly footway of 10th Street (5'-9-3/8" clear footway remaining). The minimum clearance of the encroachment will be nine feet two inches (9'-2") above said footway, and extending to a maximum height of fifteen feet seven inches (15'-7").

**Segment AD (Large Format Sign Encroachment):**

From a point eighty two feet five inches (82'-5") south of the property corner on the southeast corner of 10th and Filbert Streets, extending eight feet (8'-0") north and extending across the full width of 10th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be twenty feet seven inches (20'-7") above the 10th Street footway, and extending to a maximum height of twenty seven feet two inches (27'-2").

**Segment AE (Large Format Sign Encroachment):**

From a point seventy-four feet five inches (74'-5") south of the property corner on the southeast corner of 10th and Filbert Streets, extending eight feet (8'-0") north and extending across the full width of 10th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be thirty seven feet two inches (37'-2") above the 10th Street footway, and extending to a maximum height of sixty one feet three inches (61'-3").

**Segment AF (Large Format Sign Encroachment):**

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point on the property corner on the southeast corner of 10th and Filbert Streets, extending sixty eight feet (68'-0") south and eight feet (8'-0") over the easterly footway of 10th Street (5'-9-3/8" clear footway remaining). The minimum clearances of the encroachment will be twenty seven feet two inches (27'-2") above said footway, and extending to a maximum height of thirty seven feet two inches (37'-2").

Segment AG (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 10th and Filbert Streets, extending twelve feet (12'-0") south and eight feet (8'-0") over the easterly footway of 10th Street (5'-9-3/8" clear footway remaining). The minimum clearances of the encroachment will be forty-two feet (42'-0") above said footway, and extending to a maximum height of ninety-two feet seven inches (92'-7").

Segment ME (Marquee Encroachment):

From a point eight feet (8'-0") north of the property corner on the southeast corner of 10th and Filbert Streets, extending eighty-two feet five inches (82'-5") south and eight feet (8'-0") over the easterly footway of 10th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be ten feet five inches (10'-5") above said footway, and extending to a maximum height of twenty-six feet (26'-0").

Segment MF (Marquee Encroachment):

From a point eight feet (8'-0") south of the property corner on the northeast corner of 10th and Market Streets, extending eighty-two feet six inches (82'-6") north and eight feet (8'-0") over the easterly footway of 10th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be twelve feet eleven inches (12'-11") above said footway, and extending to a maximum height of twenty-seven feet nine inches (27'-9").

10th Street, West Side (Market to Filbert Streets):

Segment AH (Large Format Sign Encroachment):

From a point one-hundred thirty-eight feet four inches (138'-4") north of the property corner on the northwest corner of 10th and Market Streets, extending thirty one feet (31'-0") north and eight feet (8'-0") over the westerly footway of 10th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be nine feet five inches (9'-5") above said footway, and extending to a maximum height of sixteen feet four inches (16'-4").

Segment AI (Large Format Sign Encroachment):

From a point on the property corner on the northwest corner of 10th and Market Streets, extending sixty feet (60'-0") north and eight feet (8'-0") over the westerly footway of 10th Street (4'-0" clear footway remaining). The minimum clearances of the encroachment will be fifty one feet three inches (51'-3") above said footway, and extending to a maximum height of eighty-four feet nine inches (84'-9").

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

## Segment AJ (Large Format Sign Encroachment):

From a point eight feet (8'-0") south of the property corner on the northwest corner of 10th and Market Streets, extending sixty eight feet (68'-0") north and eight feet (8'-0") over the westerly footway of 10th Street (4'-0" clear footway remaining). The minimum clearances of the encroachment will be eighteen feet three inches (18'-3") above said footway, and extending to a maximum height of fifty one feet three inches (51'-3").

## Segment MG (Marquee Encroachment):

From a point eight feet (8'-0") south of the property corner on the northeast corner of 10th and Market Streets, extending seventy-one feet two inches (71'-2") north and eight feet (8'-0") over the westerly footway of 10th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be twelve feet nine inches (12'-9") above said footway, and extending to a maximum height of twenty-two feet eight inches (22'-8").

## 9th Street, West Side (Market to Filbert Streets):

### Segment AK (Large Format Sign Encroachment):

From a point eight feet (8'-0") south of the property corner on the northwest corner of 9th and Market Streets, extending forty feet (40'-0") north and eight feet (8'-0") over the westerly footway of 9th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet eleven inches (17'-11") above said footway, and extending to a maximum height of fifty feet eleven inches (50'-11").

### Segment AL (Large Format Sign Encroachment):

From a point one-hundred thirty-eight feet two inches (138'-2") north of the property corner on the northwest corner of 9th and Market Streets, extending thirty-one feet (31'-0") north and eight feet (8'-0") over the westerly footway of 9th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be nine feet five inches (9'-5") above said footway, and extending to a maximum height of fourteen feet eleven inches (14'-11").

### Segment AM (Large Format Sign Encroachment):

From a point sixteen feet nine inches (16'-9") south of the property corner on the northwest corner of 9th and Market Streets, extending fifteen feet (15'-0") north and eight feet (8'-0") over the westerly footway of 9th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be twenty feet three inches (20'-3") above said footway, and extending to a maximum height of seventy feet three inches (70'-3").

### Segment MH (Marquee Encroachment):

From a point eight feet (8'-0") south of the property corner on the northwest corner of 9th and Market Streets, extending sixty-four feet eight inches (64'-8") north and eight feet (8'-0") over the westerly footway of 9th Street (4'-0" clear footway remaining). The

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

minimum clearance of the encroachment will be ten feet (10'-0") above said footway, and extending to a maximum height of twenty feet (20'-0").

Segment MI (Marquee Encroachment):

From a point eight feet (8'-0") north of the property corner on the southwest corner of 9th and Filbert Streets, extending thirty-four feet (34'-0") south and eight feet (8'-0") over the westerly footway of 9th Street (4'-0" clear footway remaining). The minimum clearance of the encroachment will be eleven feet nine inches (11'-9") above said footway, and extending to a maximum height of twenty feet three inches (20'-3").

9th Street, East Side (Market to Filbert Streets):

Segment AN (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 9th and Filbert Streets, extending twelve feet (12'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be seventeen feet eleven inches (17'-11") above said footway, and extending to a maximum height of sixty-seven feet eleven inches (67'-11").

Segment AO (Large Format Sign Encroachment):

From a point thirteen feet two inches (13'-2") south of the property corner on the southeast corner of 9th and Filbert Streets, extending thirteen feet (13'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be fifteen feet two inches (15'-2") above said footway, and extending to a maximum height of twenty-seven feet three inches (27'-3").

Segment AP (Large Format Sign Encroachment):

From a point thirteen feet two inches (13'-2") south of the property corner on the southeast corner of 9th and Filbert Streets, extending eight feet (8'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be twenty-seven feet three inches (27'-3") above said footway, and extending to a maximum height of thirty-three feet three inches (33'-3").

Segment AQ (Large Format Sign Encroachment):

From a point thirteen feet two inches (13'-2") south of the property corner on the southeast corner of 9th and Filbert Streets, extending eight feet (8'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be forty-three feet eleven inches (43'-11") above said footway, and extending to a maximum height of fifty feet eleven inches (50'-11").

Segment AR (Large Format Sign Encroachment):

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point eighty two feet (82'-0") north of the property corner on the northeast corner of 9th and Market Streets, extending twelve feet six inches (12'-6") south and extending across the full width of 9th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be seventeen feet eight inches (17'-8") above said footway, and extending to a maximum height of twenty-eight feet seven inches (28'-7").

Segment AS (Large Format Sign Encroachment):

From a point seventy-seven feet eight inches (77'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending eight feet (8'-0") south and extending across the full width of 9th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be twenty-eight feet seven inches (28'-7") above said footway, and extending to a maximum height of thirty-eight feet (38'-0").

Segment AT (Large Format Sign Encroachment):

From a point seventy-seven feet eight inches (77'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending eight feet (8'-0") south and extending across the full width of 9th Street (55.781 feet wide) upon the facing of an existing pedestrian bridge. The minimum clearance of the encroachment will be forty-four feet ten inches (44'-10") above said footway, and extending to a maximum height of fifty-four feet three inches (54'-3").

Segment AU (Large Format Sign Encroachment):

From a point one-hundred sixty-nine feet two inches (169'-2") north of the property corner on the northeast corner of 9th and Market Streets, extending thirty-one feet (31'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be eight feet nine inches (8'-9") above said footway, and extending to a maximum height of sixteen feet (16'-0").

Segment AV (Large Format Sign Encroachment):

From a point thirty-five feet eight inches (35'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending forty-three feet eight inches (43'-8") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be eighteen feet two inches (18'-2") above said footway, and extending to a maximum height of twenty-seven feet ten inches (27'-10").

Segment AW (Large Format Sign Encroachment):

From a point sixty-nine feet eight inches (69'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending seventy-seven feet eight inches (77'-8") north and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be twenty-seven

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

feet ten inches (27'-10") above said footway, and extending to a maximum height of thirty-six feet eleven inches (36'-11").

**Segment AX (Large Format Sign Encroachment):**

From a point thirty-five feet eight inches (35'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending forty-three feet eight inches (43'-8") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be thirty-six feet eleven inches (36'-11") above said footway, and extending to a maximum height of forty-five feet four inches (45'-4").

**Segment AY (Large Format Sign Encroachment):**

From a point sixty-nine feet eight inches (69'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending seventy-seven feet eight inches (77'-8") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be forty-five feet four inches (45'-4") above said footway, and extending to a maximum height of fifty-five feet three inches (55'-3").

**Segment AZ (Large Format Sign Encroachment):**

From a point sixty feet eight inches (60'-8") north of the property corner on the northeast corner of 9th and Market Streets, extending thirty-eight feet (38'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be fifty-five feet three inches (55'-3") above said footway, and extending to a maximum height of seventy-six feet ten inches (76'-10").

**Segment BA (Large Format Sign Encroachment):**

From a point on the property corner on the northeast corner of 9th and Market Streets, extending eight feet (8'-0") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be fifty-five feet three inches (55'-3") above said footway, and extending to a maximum height of seventy-six feet ten inches (76'-10").

**Segment MJ (Marquee Encroachment):**

From a point eight feet (8'-0") north of the property corner on the southeast corner of 9th and Filbert Streets, extending thirty-four feet two inches (34'-2") south and eight feet (8'-0") over the easterly footway of 9th Street (5'-9" clear footway remaining). The minimum clearance of the encroachment will be seven feet eleven inches (7'-11") above said footway, and extending to a maximum height of seventeen feet eleven inches (17'-11").

**Segment MK (Marquee Encroachment):**

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point eight feet (8'-0") south of the property corner on the northeast corner of 9th and Market Streets, extending ninety feet two inches (90'-2") north and eight feet (8'-0") over the easterly footway of 9th Street (17'-0" clear footway remaining). The minimum clearance of the encroachment will be ten feet (10'-0") above said footway, and extending to a maximum height of twenty feet two inches (20'-2").

Filbert Street, South Side (10th to 11th Streets):

Segment BB (Large Format Sign Encroachment):

From a point two-hundred ninety-six feet five inches (296'-5") east of the property corner on the southeast corner of 11th and Filbert Streets, extending one-hundred seventy-one feet (171'-0") west and eight feet (8'-0") over the southerly footway of Filbert Street (0'-0" clear footway remaining). The minimum clearance of the encroachment will be fourteen feet eleven inches (14'-11") above said footway, and extending to a maximum height of twenty-two feet seven inches (22'-7").

Segment BC (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 11th and Filbert Streets, extending forty feet (40'-0") east and eight feet (8'-0") over the southerly footway of Filbert Street (8'-0" clear footway remaining). The minimum clearance of the encroachment will be twenty-two feet one inch (22'-1") above said footway, and extending to a maximum height of thirty-seven feet one inch (37'-1").

Segment ML (Marquee Encroachment):

From a point one-hundred twenty-five feet five inches (125'-5") east of the property corner on the southwest corner of 11th and Filbert Streets, extending forty feet (40'-0") east and eight feet (8'-0") over the southerly footway of Filbert Street (0'-0" clear footway remaining). The minimum clearance of the encroachment will be six feet eight inches (6'-8") above said footway, and extending to a maximum height of fourteen feet (14'-0").

Filbert Street, South Side (9th to 10th Streets):

Segment BD (Large Format Sign Encroachment):

From a point eight feet (8'-0") east of the property corner on the southwest corner of 9th and Filbert Streets, extending one-hundred eighty-eight feet one inch (188'-1") west and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be ten feet (10'-0") above said footway, and extending to a maximum height of twenty-two feet (22'-0").

Segment BE (Large Format Sign Encroachment):

From a point on the property corner on the southwest corner of 9th and Filbert Streets, extending thirty-three feet (33'-0") west and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be twenty-two feet (22'-0") above said footway, and extending to a maximum height of forty-eight feet three inches (48'-3").

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

## Segment BF (Large Format Sign Encroachment):

From a point thirty-three feet (33'-0") west of the property corner on the southwest corner of 9th and Filbert Streets, extending thirty-three feet (33'-0") west and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be forty-eight feet three inches (48'-3") above said footway, and extending to a maximum height of sixty-eight feet three inches (68'-3").

## Segment BG (Large Format Sign Encroachment):

From a point one-hundred eighty feet one inch (180'-1") west of the property corner on the southwest corner of 9th and Filbert Streets, extending two-hundred eighteen feet ten inches (218'-10") west and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be thirteen feet ten inches (13'-10") above said footway, and extending to a maximum height of twenty-three feet nine inches (23'-9").

## Segment BH (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 10th and Filbert Streets, extending forty feet (40'-0") east and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be twenty-three feet nine inches (23'-9") above said footway, and extending to a maximum height of thirty-eight feet eleven inches (38'-11").

## Segment BI (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 10th and Filbert Streets, extending twelve feet (12'-0") east and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be thirty-eight feet eleven inches (38'-11") above said footway, and extending to a maximum height of ninety-one feet ten inches (91'-10").

## Filbert Street, South Side (8th to 9th Streets):

### Segment BJ (Large Format Sign Encroachment):

From a point eight feet (8'-0") west of the property corner on the southeast corner of 9th and Filbert Streets, extending one-hundred seventy-five feet three inches (175'-3") east and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum clearance of the encroachment will be fifteen feet nine inches (15'-9") above said footway, and extending to a maximum height of twenty-three feet nine inches (23'-9").

### Segment BK (Large Format Sign Encroachment):

From a point on the property corner on the southeast corner of 9th and Filbert Streets, extending one-hundred thirty-three feet (33'-0") east and eight feet (8'-0") over the southerly footway of Filbert Street (3'-6" clear footway remaining). The minimum

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

clearance of the encroachment will be twenty-three feet nine inches (23'-9") above said footway, and extending to a maximum height of fifty feet one inch (50'-1").

Market Street, North Side (10th to 11th Streets):

Segment PA (Ground Sign Encroachment):

From a point forty-three feet two inches (43'-2") east and seventeen feet six inches (17'-6") south of the property corner on the northeast corner of 11th and Market Streets, extending two feet three inches (2'-3") east, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-6" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PB (Planter Encroachment):

From a point forty-five feet five inches (45'-5") east and eighteen feet four inches (18'-4") south of the property corner on the northeast corner of 11th and Market Streets, extending thirty-eight feet nine inches (38'-9") east, for a width of six feet ten inches (6'-10") to the south over the northerly footway of Market Street (18'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PC (Planter Encroachment):

From a point one-hundred thirty-three feet four inches (133'-4") east and eighteen feet four inches (18'-4") south of the property corner on the northeast corner of 11th and Market Streets, extending fifty-seven feet nine inches (57'-9") east, for a width of six feet ten inches (6'-10") to the south over the northerly footway of Market Street (18'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PD (Ground Sign Encroachment):

From a point one-hundred ninety-one feet one inch (191'-1") east and seventeen feet six inches (17'-6") south of the property corner on the northeast corner of 11th and Market Streets, extending two feet three inches (2'-3") east, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-6" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PE (Ramp Encroachment):

From a point fifty-five feet five inches (55'-5") west of the property corner on the northwest corner of 10th and Market Streets, extending one-hundred twenty-three feet two inches (123'-2") west, for a width of eight feet seven inches (8'-7") to the south over the northerly footway of Market Street (7'-9" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PF (Planter Encroachment):

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point fifteen feet two inches (15'-2") west and eighteen feet four inches (18'-4") south of the property corner on the northwest corner of 10th and Market Streets, extending thirty-seven feet nine inches (37'-9") west, for a width of six feet ten inches (6'-10") to the south over the northerly footway of Market Street (18'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PG (Ground Sign Encroachment):

From a point twelve feet eleven inches (12'-11") west and seventeen feet six inches (17'-6") south of the property corner on the northwest corner of 10th and Market Streets, extending two feet three inches (2'-3") west, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-6" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Market Street, North Side (9th to 10th Streets):

Segment PH (Ground Sign Encroachment):

From a point ten feet ten inches (10'-10") east and seventeen feet six inches (17'-6") south of the property corner on the northeast corner of 10th and Market Streets, extending two feet three inches (2'-3") east, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-6" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PJ (Planter Encroachment):

From a point thirteen feet one inch (13'-1") east and nineteen feet three inches (19'-3") south of the property corner on the northeast corner of 10th and Market Streets, extending sixteen feet (16'-0") east, for a minimum width of six feet (6'-0") and a maximum width of six feet ten inches (6'-10") to the south over the northerly footway of Market Street (18'-5" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PK (Planter Encroachment):

From a point sixty-seven feet one inch (67'-1") east and eighteen feet five inches (18'-5") south of the property corner on the northeast corner of 10th and Market Streets, extending fifty-seven feet (57'-0") east, for a minimum width of four feet five inches (4'-5") and a maximum width of six feet nine inches (6'-9") to the south over the northerly footway of Market Street (18'-5" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PL (Ramp Encroachment):

From a point ninety-seven feet eleven inches (97'-11") east of the property corner on the northeast corner of 10th and Market Streets, extending seventy-four feet nine inches (74'-9") east, for a minimum width of six feet five inches (6'-5") and a maximum width of

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

eleven feet five inches (11'-5") to the south over the northerly footway of Market Street (13'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

**Segment PM (Planter Encroachment):**

From a point two-hundred eight feet three inches (208'-3") west and nineteen feet three inches (19'-3") south of the property corner on the northwest corner of 9th and Market Streets, extending twenty-seven feet (27'-0") west, for a minimum width of four feet six inches (4'-6") and a maximum width of six feet one inch (6'-1") to the south over the northerly footway of Market Street (19'-3" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

**Segment PN (Ground Sign Encroachment):**

From a point two-hundred six feet (206'-0") west and seventeen feet seven inches (17'-7") south of the property corner on the northwest corner of 9th and Market Streets, extending two feet three inches (2'-3") west, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-7" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

**Segment PO (Ramp Encroachment):**

From a point one-hundred fifty-two feet three inches (152'-3") west of the property corner on the northwest corner of 9th and Market Streets, extending twenty-nine feet (29'-0") west, for a minimum width of seven feet four inches (7'-4") and a maximum width of nine feet six inches (9'-6") to the south over the northerly footway of Market Street (7'-9" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

**Segment PP (Ramp Encroachment):**

From a point fifty-four feet four inches (54'-4") west of the property corner on the northwest corner of 9th and Market Streets, extending sixty-nine feet eleven inches (69'-11") west, for a width of seven feet four inches (7'-4") to the south over the northerly footway of Market Street (9'-11" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

**Segment PQ (Planter Encroachment):**

From a point fourteen feet nine inches (14'-9") west and sixteen feet seven inches (16'-7") south of the property corner on the northwest corner of 9th and Market Streets, extending fifty-eight feet six inches (58'-6") west, for a minimum width of six feet three inches (6'-3") and a maximum width of eight feet eleven inches (8'-11") to the south over the northerly footway of Market Street (16'-2" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

**Segment PR (Ground Sign Encroachment):**

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

From a point twelve feet six inches (12'-6") west and sixteen feet seven inches (16'-7") south of the property corner on the northwest corner of 9th and Market Streets, extending two feet three inches (2'-3") west, for a width of six feet two inches (6'-2") to the south over the northerly footway of Market Street (16'-7" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PS (Planter Encroachment):

From a point six feet nine inches (6'-9") north and six feet one inch (6'-1") east of the property corner on the northwest corner of 9th and Market Streets, extending thirty-eight feet one inch (38'-1") north, for a minimum width of six feet three inches (6'-3") and a maximum width of eight feet five inches (8'-5") to the east over the westerly footway of 9th Street (4'-2" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Market Street, North Side (8th to 9th Streets):

Segment PT (Ground Sign Encroachment):

From a point thirteen feet five inches (13'-5") east and seventeen feet six inches (17'-6") south of the property corner on the northeast corner of 9th and Market Streets, extending two feet three inches (2'-3") east, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-6" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PU (Planter Encroachment):

From a point fifty-eight feet seven inches (58'-7") east and nineteen feet (19'-0") south of the property corner on the northeast corner of 9th and Market Streets, extending one-hundred thirty-seven feet seven inches (137'-7") east, for a minimum width of six feet three inches (6'-3") and a maximum width of nine feet one inch (9'-1") to the south over the northerly footway of Market Street (16'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PV (Ground Sign Encroachment):

From a point one-hundred ninety-six feet two inches (196'-2") east and seventeen feet nine inches (17'-9") south of the property corner on the northeast corner of 9th and Market Streets, extending two feet three inches (2'-3") east, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-9" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

Segment PW (Planter Encroachment):

From a point twenty-three feet eleven inches (23'-11") west and nineteen feet seven inches (19'-7") south of the property corner on the northwest corner of 8th and Market Streets, extending one-hundred thirty-eight feet nine inches (138'-9") west, for a

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

minimum width of six feet (6'-0") and a maximum width of seven feet (7'-0") to the south over the northerly footway of Market Street (16'-4" minimum clear footway remaining). The maximum height of the encroachment will be three feet (3'-0") above said footway.

Segment PX (Ground Sign Encroachment):

From a point twenty-one feet eight inches (21'-8") west and seventeen feet nine inches (17'-9") south of the property corner on the northwest corner of 8th and Market Streets, extending two feet three inches (2'-3") west, for a width of six feet three inches (6'-3") to the south over the northerly footway of Market Street (17'-9" minimum clear footway remaining). The maximum height of the encroachment will be fifteen feet (15'-0") above said footway.

SECTION 2. The construction, use and maintenance of the Encroachments described and listed in Section 1 shall be in accordance with the laws, rules and regulations of the City, and specifically those of the Department of Licenses and Inspections, the Department of Streets, and the Art Commission, 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, the Gallery Operator 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, the Gallery Operator shall enter into one or more agreements (collectively, the "Encroachment Agreements") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that the Gallery Operator, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachments without cost or expense to the City and shall remove the Encroachments at no cost and expense to the City when given written notice to do so by the City to accommodate a municipal or municipal sponsored construction project;
- (b) shall 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 Encroachment;
- (c) shall carry public liability and property damage insurance, co-naming the City as an 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 Gallery

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

Operator are self-insured and is providing the City the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

(d) shall ensure that all construction contractors for the Encroachments carry public liability and property damage insurance, co-naming the City as an insured party in such amounts as shall be reasonably satisfactory to the City Solicitor;

(e) shall 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 footway adjacent to the Encroachments described in Section 1;

(f) indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachments. The Gallery Operator shall also agree to release the City from any and all claims relating to the Encroachments, including if ordered removed or when street, sidewalk or utility construction occurs;

(g) 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 City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the Encroachment Agreements, 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 Encroachments, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Gallery Operator self-assume the liabilities and obligations normally covered by the surety bond;

(h) cause any subsequent successor or assign of any of the encroachments authorized by this ordinance to enter into an Encroachment Agreement with the City in a form satisfactory to the Department of Streets and the City Solicitor.

SECTION 4. The permission granted to the Gallery Operator to legalize the Encroachments described in Section 1 shall expire without any further action by the City if the Gallery Operator have not entered into an Agreement and satisfied all requirements listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 5. The City is hereby authorized to consent to and authorize the assignment of the Bridge Rights to the Gallery I Operator.

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

SECTION 6. The authorization set forth in Section 5 above is conditional upon the Gallery I Operator entering into an agreement with the City (the “Bridge Agreement”) within one (1) year of the date of this Ordinance. The Bridge Agreement shall be in a form satisfactory to Department of Streets and the City Solicitor, and shall provide that the Gallery I Operator, *inter alia*:

(a) shall, for a municipal purpose and upon one hundred eighty (180) days notice from the City, remove the Bridge without cost or expense to the City and shall restore the cartway and footway of Filbert Street;

(b) shall ensure that the Bridge has, at all times, a minimum clearance of sixteen feet six inches (16’ 6”) from the top of curb of Filbert Street;

(c) shall 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 Bridge 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 Bridge, or in lieu thereof, submit documentation in a form and content acceptable to the City that Redeveloper self-assumes the liabilities and obligations normally covered by such surety bond;

(d) shall 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, and 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;

(e) shall 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 construction with respect to the Bridge;

(f) shall carry public liability and property damage insurance, co-naming the City as an 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 Redeveloper is self-insured and is providing the City the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

(g) shall indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to, persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Bridge, and the Redeveloper shall also agree to release the City from any and all claims relating

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

to the Bridge, including if ordered removed or when street, sidewalk or utility construction occurs;

(h) shall give the City and all public utility companies rights 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;

(i) shall ensure that all construction contractors for the Bridge carry public liability and property damage insurance, co-naming the City as an insured party in such amounts as shall be reasonably satisfactory to the City Solicitor; and

(j) cause any subsequent successor or assign of the Bridge Rights to enter into a Bridge Agreement with the City in a form satisfactory to the Department of Streets and the City Solicitor.

SECTION 7. The various executive officers of the City are hereby authorized to enter into and/or execute, on behalf of the City, all other agreements or documents as are required to be entered into or executed by such officers under the preceding sections of this Ordinance or in order to effectuate the purposes of the agreements or other matters authorized by this Ordinance.

SECTION 8. The City Solicitor shall include in each of the Encroachment Agreements, the Bridge Agreement, and any and all other agreements and documents authorized by this Ordinance such other reasonable terms and conditions as the City Solicitor may deem necessary and desirable to protect the interests of the City.

SECTION 9. The Streets Department is further authorized to allow for minor modifications consistent with the intent of this Ordinance without requiring additional legislation.

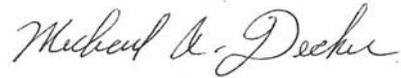
SECTION 10. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury by the Gallery Operator within sixty (60) days after the date this Ordinance becomes law.

# City of Philadelphia

BILL NO. 150377 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 18, 2015. The Bill was Signed by the Mayor on June 18, 2015.



Michael A. Decker  
Chief Clerk of the City Council