

# City of Philadelphia



(Bill No. 110721)

## AN ORDINANCE

Authorizing New Kensington Community Development Corporation, (“Owner”) to construct, own and maintain, various encroachments of light columns located at the intersection of Girard Avenue and Columbia Avenue (“Property”), under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Owner to construct, own and maintain the following streetscape improvements located on the Property, as follows:

Two (2) light columns, each two feet-six inches in diameter (2’-6”) by eight feet-nine and a half inches high (8’-9½”). One (1) light column will be placed on the northeast footway of Girard Avenue and one (1) light column will be placed on the southwest footway of Girard Avenue leaving a clear minimum footway of fifteen feet (15’). The light columns will be located at a minimum distance of three feet-six inches (3’-6”) from the center line of each column to the face of the curb, and a minimum of six feet (6’) from adjacent utilities and curb cuts.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Owner 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, Owner shall enter into an agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the Law Department, to provide that Owner shall, *inter alia*:

(a) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards, or commissions of the City, or from any other governmental entity as may be required by law;

(b) assume the cost of all changes and adjustments to, or relocation or abandonment of, all utilities and structures within the public right-of-way which are necessary due to the construction of the streetscape improvements;

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(c) carry public liability and property damage insurance that covers streetscape improvements authorized to be constructed within the public right-of-way in Section 1, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department. Alternatively, if approved by the City of Philadelphia Office of Risk Management, furnish the City with documentation in a form acceptable to the Law Department acknowledging that Owner is self insured and will protect the City against liability for property damages and liability for injuries or death to persons, including injuries to employees of Owner as a result of ownership, construction, maintenance, and removal of the light columns described in Section 1;

(d) remove or relocate any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way within sixty (60) days after lawful service of notice by the City of Philadelphia;

(e) remove any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of the streetscape improvements described in Section 1 are no longer used for the purpose authorized by this Ordinance;

(f) insure that all construction contractors for the streetscape improvements 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; and

(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 footway adjacent to the streetscape improvements described in Section 1.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted by this Ordinance shall automatically terminate without any further legislative action by the City of Philadelphia when the streetscape improvements authorized by Section 1 of this Ordinance are no longer being used by Owner for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Owner to construct, own and maintain the streetscape improvements described in Section 1 shall expire without any further action by the City of Philadelphia if Owner has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 of this Ordinance within one (1) year after this Ordinance becomes law.

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SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), 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 December 8, 2011. The Bill was Signed by the Mayor on December 21, 2011.



Michael A. Decker  
Chief Clerk of the City Council