

Proposed Amendments to Bill No. 260383

Matter to be added by amendment in Bold
Matter to be deleted by amendment in Strikethrough

AN ORDINANCE

Authorizing various encroachments in the vicinity of 2955 Market St, Philadelphia, PA 19104, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the owner (the “Owner”) of the property identified below, currently, NATIONAL RAILROAD PASSENGER CORPORATION, to install, own, and maintain an encroachment at the Property, as follows:

Encroachment Description:

Property: 2955 Market St, Philadelphia, PA 19104

Various encroachments including PennDOT bollards, structural bollards and planters will be located around the property frontage of 1 North 30th Street and written in three (3) parts:

Part 1: Bollards on Market Street

A total of twelve (12) structural bollards will be located along the curbline of 1 North 30th Street and will encroach a distance offset starting from a point approximately thirty-three feet one inch (33'-1") towards the north along the north footway of Market Street to a point approximately fifteen feet eleven inches (15'-11") farther north starting from a point approximately fifty-seven feet five inches (57'-5") east of the North 30th Street east curbline to a point approximately fifty-three feet eight inches (53'-8") farther east with four feet eleven inches (4'-11") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of five (5) structural bollards will be located along the curbline of 1 North 30th Street and will encroach a distance offset starting from a point approximately six feet eleven inches (6'-11") towards the north along the north footway of Market Street to a point approximately twenty-one feet (21'-0") farther north starting from a point approximately fifty-eight feet five inches (58'-5") east of the North 30th Street east curbline to a point approximately sixty-two feet (62'-0") farther east with five feet two inches (5'-2") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of four (4) PennDOT bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately two feet (2'-0") towards the north along the north footway of Market Street starting from a point approximately twenty seven feet four inches (27'-4") east of the North 30th Street east curbline to a point approximately thirty feet (30'-0") farther east with nine feet nine inches (9'-9") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of twelve (12) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately two feet (2'-0") towards the north along the north footway of Market Street starting from a point approximately sixty-two feet (62'-0") east of the North 30th Street east curbline to a point approximately fifty-five feet one inch (55'-1") farther east with four feet eleven inches (4'-11") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of thirty-eight (38) PennDOT bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately two feet (2'-0") towards the north along the north footway of Market Street starting from a point approximately one hundred twenty-seven feet two inches (127'-2") east of the North 30th Street east curbline to a point approximately three hundred sixty feet (360'-0") with nine feet nine inches (9'-9") center on center farther east leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of four (4) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately thirteen feet eight inches (13'-8") towards the north along the north footway of Market Street starting from a point approximately fifty-four feet five inches (54'-4") west of the Schuylkill Avenue west curbline to a point approximately fourteen feet six inches (14'-6") farther west with four feet eleven inches (4'-11") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of four (4) PennDOT bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately two feet (2'-0") towards the north along the north footway of Market Street starting from a point approximately sixteen feet five inches (16'-5") west of the Schuylkill Avenue west curbline to a point approximately thirty feet four inches (30'-4") farther west with ten feet (10'-0") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of five (5) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately fifty-one feet two inches (51'-2") towards the west along the west footway of Schuylkill Avenue starting from a point approximately seventeen feet eight inches (17'-8") north of the Market Street north curbline to a point approximately twenty-three feet two inches (23'-2") farther north with five feet two inches (5'-2") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of six (6) PennDOT bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately thirty-three feet ten inches (33'-10") towards the north along the north footway of Market Street starting from a point approximately two feet seven inches (2'-7") west of the Schuylkill Avenue west curbline to a point approximately thirty-eight feet ~~two~~ **four** inches (38'-4") farther west with four feet eleven inches (4'-11") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of four (4) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately forty-six feet eight inches (46'-8") towards the north along the north footway of Market Street starting from a point approximately fifty-six feet ten inches (56'-10") west of the Schuylkill Avenue west curbline to a point approximately fourteen feet eleven inches (14'-11") farther west with four feet eight inches (4'-8") center on center leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

Part 2: Bollards on Arch Street

A total of thirty-six (36) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately one foot eleven inches (1'-11") towards the south along the island of Arch Street starting from a point approximately thirteen feet ten inches (13'-10") east of the North 30th Street east curbline to a point approximately one hundred sixty-nine feet eight inches (169'-8") farther east with four feet eleven inches (4'-11") center on center.

A total of thirty (30) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately one foot eleven inches (1'-11") towards the south along the island of Arch Street starting from a point approximately one hundred eighty-nine feet eleven inches (189'-11") east of the North 30th Street east curbline to a point approximately one hundred forty-three feet ten inches (143'-10") farther east with four feet eleven inches (4'-11") center on center.

A total of twenty-four (24) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately one foot eleven inches (1'-11") towards the south along the island of Arch Street starting from a point approximately three hundred forty feet (340'-0") east of the North 30th Street east curbline to a point approximately one hundred fifteen feet eleven inches (115'-11") farther east with four feet eleven inches (4'-11") center on center.

A total of thirteen (13) structural bollards will be located along the curblines of 1 North 30th Street and will encroach a distance offset of approximately one foot eleven inches (1'-11") towards the south along the island of Arch Street starting from a point approximately four

hundred sixty-two feet four inches (462'-4") east of the North 30th Street east curbline to a point approximately fifty-eight feet ten inches (58'-10") farther east with four feet eleven inches (4'-11") center on center.

Part 3: Planters

A proposed planter will be located along the curbline of 1 North 30th Street and will encroach a distance offset starting from a point approximately six feet (6'-0") towards the north along the north footway of Market Street to a point approximately eight feet (8'-0") farther north starting from a point approximately one hundred twenty feet two inches (120'-2") east of the North 30th Street east curbline to a point approximately three hundred sixty-nine feet five inches (369'-5") farther east leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

A total of five (5) proposed planters will be located along the curbline of 1 North 30th Street and will encroach a distance offset starting from a point approximately twenty feet (24'-0") towards the north along the north footway of Market Street to a point approximately thirty-three feet (33'-0") farther north starting from a point approximately one hundred seven feet eleven inches (107'-11") east of the North 30th Street east curbline to a point approximately three hundred ninety-three feet eight inches (393'-8") farther east leaving a minimum of nine feet six inches (9'-6") of clear unobstructed footway.

SECTION 2. The construction, use and maintenance of the Encroachment described and 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, 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, Owner must first obtain or 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. In addition, before exercising any rights and privileges under this Ordinance, Owner shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner, inter alia:

(a) Maintains and keeps in good repair and working order the Encroachment to the satisfaction of the Streets Department;

(b) Agrees that upon one hundred and eighty (180) days' notice from the City, it shall remove the Encroachment(s) at no cost and expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal-sponsored construction project;

(c) 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. 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) 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 reason of the construction of the Encroachment;

(e) Shall carry public liability and property damage insurance, co-naming the City of Philadelphia 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 Owner 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) Shall insure that all construction contractors for the 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;

(g) 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 Encroachment described in Section 1;

(h) Indemnifies and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury 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 Encroachment. Owner shall also agree to release the City from any and all claims relating to the Encroachment, including if ordered removed or when street, sidewalk or utility construction occurs;

(i) Furnishes 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 compliance with all the terms and conditions of this Ordinance and the Agreement, or in lieu thereof, submit

documentation in a form and content acceptable to the City that Owner self-assumes the liabilities and obligations normally covered by the Surety Bond;

(j) Shall adhere to all applicable requirements in The Philadelphia Code, including the requirements set forth in Section 11-603 of the Code.

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 Owner to install, own, and maintain the Encroachment 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 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 costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.