

# City of Philadelphia



(Bill No. 070443)

## AN ORDINANCE

Authorizing the Archdiocese of Philadelphia, Office for Community Development, 222 N. 17th Street, Philadelphia, PA, 19103, to construct, own and maintain raised planter clusters atop the sidewalks of the 2400, 2500, and 2600 blocks of Kensington Avenue, under certain terms and conditions.

WHEREAS, the Archdiocese of Philadelphia, Office for Community Development maintains offices at 222 N. 17th Street, Philadelphia, PA 19103; and

WHEREAS, the Archdiocese of Philadelphia, Office for Community Development, has requested permission to construct, own and maintain raised planter clusters atop the sidewalks of the 2400, 2500, and 2600 blocks of Kensington Avenue; now, therefore

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

**SECTION 1.** The Archdiocese of Philadelphia, Office for Community Development, 222 N. 17th Street, Philadelphia, PA, 19103, is hereby authorized to construct, own and maintain raised planter clusters atop the sidewalks of the 2400, 2500, and 2600 blocks of Kensington Avenue. The raised planter clusters are part of a neighborhood beautification project conducted by the Archdiocese of Philadelphia, Office for Community Development.

Each planter cluster consists of two (2) planters and will be placed at twenty-five (25) locations. The first planter in each cluster is thirty-six inches (36") in diameter and thirty-six inches (36") high. The second planter in each cluster is twenty-six inches (26") in diameter and thirty inches (30") high.

The planter clusters are located approximately eighteen inches (18") from the face of the curb, leaving approximately eight feet six inches (8'-6") of clear footway. One (1) planter cluster will be placed in each of the following locations:

2400-14 Kensington Avenue, west sidewalk, fifty-seven feet (57') north of the north curb line of Front Street.

2420 Kensington Avenue, west sidewalk, ninety-six feet (96') north of the north curb line of Front Street.

2436 Kensington Avenue, west sidewalk, one hundred seventy-four feet (174') north of the north curb line of Front Street.

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2448 Kensington Avenue, west sidewalk, two hundred twenty three feet (223') north of the north curb line of Front Street.

2456 Kensington Avenue, west sidewalk, two hundred fifty-three feet (253') north of the north curb line of Front Street.

2468 Kensington Avenue, west sidewalk, two hundred ninety feet (290') north of the north curb line of Front Street.

2411-19 Kensington Avenue, east sidewalk, forty-seven feet (47') north of the north curb line of York Street.

2429 Kensington Avenue, east sidewalk, one hundred thirty-three feet (133') north of the north curb line of York Street.

2449 Kensington Avenue, east sidewalk, two hundred thirty-eight feet (238') north of the north curb line of York Street.

2504 Kensington Avenue, west sidewalk, sixty feet (60') north of the north curb line of A Street.

2514-16 Kensington Avenue, west sidewalk, ninety-eight feet (98') north of the north curb line of A Street.

2518 Kensington Avenue, west sidewalk, one hundred eighteen feet (118') north of the north curb line of A Street.

2524-26 Kensington Avenue, west sidewalk, one hundred fifty-two feet (152') north of the north curb line of A Street.

2528-30 Kensington Avenue, west sidewalk, one hundred seventy-three feet (173') north of the north curb line of A Street.

2538 Kensington Avenue, west sidewalk, two hundred eight feet (208') north of the north curb line of A Street.

2542 Kensington Avenue, west sidewalk, two hundred thirty feet (230') north of the north curb line of A Street.

2550 Kensington Avenue, west sidewalk, two hundred sixty-five feet (265') north of the north curb line of A Street.

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2554-56 Kensington Avenue, west sidewalk, two hundred ninety-one feet (291') north of the north curb line of A Street.

2501-33 Kensington Avenue, east sidewalk, eighty feet (80') north of the north curb line of Cumberland Street.

2501-33 Kensington Avenue, east sidewalk, one hundred thirty feet (130') north of the north curb line of B Street.

2612-18 Kensington Avenue, west sidewalk, one hundred five feet (105') north of the north curb line of B Street.

2622-38 Kensington Avenue, west sidewalk, one hundred thirty-seven feet (137') north of the north curb line of B Street.

2622-38 Kensington Avenue, west sidewalk, one hundred seventy feet (170') north of the north curb line of B Street.

2640-50 Kensington Avenue, west sidewalk, one hundred ninety-five feet (195') north of the north curb line of B Street.

2640-50 Kensington Avenue, west sidewalk, two hundred forty feet (240') north of the north curb line of B Street.

**SECTION 2.** The construction, use and maintenance of the raised planter clusters 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 and the Department of Streets, provided that the Streets Department, 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 Archdiocese of Philadelphia, Office for Community Development, 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, the Archdiocese of Philadelphia, Office for Community Development, shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that the Archdiocese of Philadelphia, Office for Community Development, *inter alia*:

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(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the raised planter clusters without cost or expense to the City and shall restore the cartway and footways of Kensington Avenue 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;

(b) 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 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 raised planter clusters or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Archdiocese of Philadelphia, Office for Community Development, self-assumes liabilities and obligations normally covered by Surety Bond;

(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. 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) 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 raised planter clusters;

(e) 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 the Archdiocese of Philadelphia, Office for Community Development, 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 raised planter clusters 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) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way of any affected streets; and

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(h) include documentation in a form acceptable to the City Solicitor from the owners of the properties along the 2400, 2500, and 2600 blocks of Kensington Avenue, confirming that they have no objection to the Archdiocese of Philadelphia, Office for Community Development, constructing, owning, and maintaining the raised planter clusters adjacent to the properties along the 2400, 2500, and 2600 blocks of Kensington Avenue.

**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 the Archdiocese of Philadelphia, Office for Community Development, to construct, own and maintain the raised planter clusters described in Section 1 shall expire without any further action by the City of Philadelphia if the Archdiocese of Philadelphia, Office for Community Development, 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), 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 14, 2007. The Bill was Signed by the Mayor on July 3, 2007.



Patricia Rafferty  
Chief Clerk of the City Council