

City of Philadelphia



(Bill No. 090811)

AN ORDINANCE

Authorizing the Korean Community Development Services Center to construct, own and maintain three benches near the northeast corner of West Tabor Road and North Fifth Street, and near the southwest and northeast corners of West Olney Avenue and North Fifth Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Korean Community Development Services Center to construct, own and maintain the following streetscape improvements near the northeast corner of West Tabor Road and North Fifth Street, and near the southwest and northeast corners of West Olney Avenue and North Fifth Street, as follows:

- (a) Three (3) concrete benches, each six feet (6') long, nineteen inches (19") wide, and twenty inches (20") high. No advertisements will be placed on the benches.

One (1) bench on the north footway of West Tabor Road leaving a clear pedestrian passage of six feet eleven inches (6'11"). A distance of twenty feet six inches (20'6") shall be measured east from the east curb line of North Fifth Street to the center of the bench.

One (1) bench on the south footway of West Olney Avenue leaving a clear pedestrian passage of seven feet ten inches (7'10"). A distance of twenty-eight feet (28') shall be measured west from the west curb line of North Fifth Street to the center of the bench.

One (1) bench on the north footway of West Olney Avenue leaving a clear pedestrian passage of eight feet two inches (8'2"). A distance of twenty-six feet (26') shall be measured east from the east curb line of North Fifth Street to the center of the bench.

The exact number, type and location of the streetscape improvements are identified on plans that have been supplied to the Department of Streets for review and have been approved. The Department of Streets will maintain the authority to review and approve the location of each proposed streetscape improvement prior to installation.

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SECTION 2. Before exercising any rights and privileges under this Ordinance, the Korean Community Development Services Center must first obtain all required permits, licenses and approvals from all appropriate City 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, the Korean Community Development Services Center shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the Korean Community Development Services Center 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 authorized in Section 1;
- (c) carry public liability and property damage insurance that covers the 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 the Korean Community Development Services Center 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 the Korean Community Development Services Center as a result of ownership, construction, maintenance and removal of the streetscape improvements 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

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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 provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission granted to the Korean Community Development Services Center to construct, own and maintain the streetscape improvements described in Section 1 shall expire without any further action by the City of Philadelphia if the Korean Community Development Services Center 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.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after 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 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council