

# City of Philadelphia



(Bill No. 090409)

## AN ORDINANCE

Authorizing the National Park Service to construct, own and maintain a building encroachment and steps at 530 Market Street, under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to the National Park Service to construct, own and maintain a building encroachment and steps at 530 Market Street that will encroach upon the south sidewalk of Market Street, as follows:

The proposed building and steps are located approximately fifty one feet eight inches (51'-8") east of the east curb line of 6th Street and have an approximate length of forty five feet four inches (45'-4").

The structure encroaches onto the south sidewalk approximately fifteen feet (15') leaving a distance approximately thirteen feet (13') for clear pedestrian traffic.

**SECTION 2.** The construction, use and maintenance of the building encroachment described 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 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 National Park Service 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, and Section 11-609 of The Philadelphia Code notwithstanding, before exercising any rights and privileges under this Ordinance, National Park Service shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that the National Park Service *inter alia*:

- (a) 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

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Commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted;

- (b) 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 building and step within the right-of-way;
- (c) insure that all construction contractors for the building and step encroachments 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; and
- (d) 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.

**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 National Park Service to construct, own and maintain the building encroachment and steps described in Section 1 shall expire without any further action by the City of Philadelphia if the National Park Service 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 18, 2009. The Bill was Signed by the Mayor on June 26, 2009.



Patricia Rafferty  
Chief Clerk of the City Council