

City of Philadelphia



(Bill No. 080503)

AN ORDINANCE

Authorizing the James Thomas Development Company to construct, operate and maintain a building extension located at 4300 Boone Street at Roxborough Avenue, Philadelphia, PA, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The James Thomas Development Company, its successors and assigns are hereby authorized to construct, operate and maintain a building extension located at 4300 Boone Street at Roxborough Avenue, Philadelphia, PA, as follows:

The extension, which is no higher than thirty-five feet (35') high, is approximately thirty-seven feet (37') in length and approximate six feet (6') in width, leaving approximately six feet (6') of clear, unobstructed footway on the southern sidewalk of the 4300 block of Boone Street.

SECTION 2. The construction, operation and maintenance of the building extension described in Section 1 above 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.

SECTION 3. Before exercising any rights or privileges under this Ordinance, the James Thomas Development Company must first obtain or have its contractor(s) obtain all required as-built 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 James Thomas Development Company shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the Law Department, providing that the James Thomas Development Company shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, the James Thomas Development Company shall remove the building extension described in Section 1 above without cost or expense to the City and shall restore the affected cartways and footways at no cost or expense to the City to accommodate a municipal or municipal-sponsored construction project;

City of Philadelphia

BILL NO. 080503 continued

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(b) furnish the City with 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 the compliance with all the terms and conditions of this Ordinance and the aforementioned Agreement;

(c) assume the costs and expenses 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, operation and maintenance of the building extension described in Section 1 above;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of the building extension described in Section 1 above, or its removal;

(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 Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that the James Thomas Development Company is self-insured and is providing the City of Philadelphia that 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 building extension described in Section 1 above carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(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;

(h) insure that the building extension encroaches on the southern sidewalk of the 4300 block of Boone Street no more than the dimensions listed in Section 1 above, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits of Section 1 within the standard tolerance of current engineering practice; and

(i) provide notarized written permission from the owner of the property at 4300 Boone Street, Philadelphia, PA for the construction, operation and maintenance of the building extension described in Section 1 above, if the owner of the property is not the James Thomas Development Company.

City of Philadelphia

BILL NO. 080503 continued

Certified Copy

SECTION 4. The Law Department 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 authorization granted to the James Thomas Development Company for the construction, operation and maintenance of the building extension described in Section 1 above shall expire without any further action by the City if the James Thomas Development Company has not entered into the Agreement and satisfied all requirements of the Agreement within two (2) years after this Ordinance becomes law.

SECTION 6. This Ordinance shall become effective immediately.

City of Philadelphia

BILL NO. 080503 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 19, 2008. The Bill was Signed by the Mayor on July 2, 2008.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council