

City of Philadelphia



(Bill No. 090810)

AN ORDINANCE

Authorizing the People's Emergency Center to construct, own and maintain one bench and one parking sign on the north and south footway of Lancaster Avenue, between 40th Street and 41st Street, and one sculpture pedestal and three planters on the traffic island at the intersection of 40th Street, Lancaster Avenue, and Haverford Avenue, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the People's Emergency Center to construct, own and maintain one bench and one parking sign on the north and south footway of Lancaster Avenue, from 40th Street to 41st Street, and one sculpture pedestal and three planters on the traffic island at the intersection of 40th Street, Lancaster Avenue, and Haverford Avenue as follows:

One (1) bench, six feet (6') long, will be placed on the north footway of Lancaster Avenue leaving a clear footway of ten feet (10'). A distance of eight feet (8') shall be measured west from the west curb line of 40th Street to the center of the bench.

One (1) double-faced, aluminum reflective parking sign, thirty inches (30") square, will be placed on the south footway of Lancaster Avenue leaving a clear footway of six feet (6'). A distance of three hundred feet (300') shall be measured west from the west curb line of Wallace Street to the center of the pole.

One (1) sculpture pedestal, five feet (5') wide by five feet (5') long and eight feet (8') tall, will be placed in the center of the traffic island at the intersection of 40th Street, Lancaster Avenue, and Haverford Avenue.

Three (3) planters, each three feet (3') long by two feet (2') wide by two feet (2') high, will be placed on the traffic island at the intersection of 40th Street, Lancaster Avenue, and Haverford Avenue, leaving a clear footway of at least five feet (5'). The planters will surround the sculpture pedestal on three sides at a distance of thirty inches (30").

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.

City of Philadelphia

BILL NO. 090810 continued

Certified Copy

SECTION 2. Before exercising any rights and privileges under this Ordinance, the People’s Emergency 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 People’s Emergency Center shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the People’s Emergency 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;
- (c) carry public liability and property damage insurance that covers the facilities 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 People’s Emergency 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 People’s Emergency Center as a result of ownership, construction, maintenance and removal of the sculpture pedestal, bench, parking signs, and planters 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 one hundred eighty (180) 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 one hundred eighty (180) 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

City of Philadelphia

BILL NO. 090810 continued

Certified Copy

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 People's Emergency 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 People's Emergency 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.

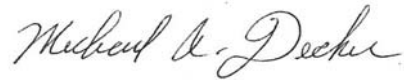
SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 090810 continued

Certified Copy

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