

# City of Philadelphia



(Bill No. 090844)

## AN ORDINANCE

Authorizing Joseph Vento, owner of Geno's Steaks, Inc., to legalize various existing sidewalk encroachments located on a triangular parcel bounded on two sides by Ninth Street and East Passyunk Avenue, also known as 1219 South Ninth Street, under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to Joseph Vento to legalize various existing sidewalk encroachments located on a triangular parcel bounded on two sides by Ninth Street and East Passyunk Avenue, also known as 1219 South Ninth Street, as follows:

- Twelve (12) picnic tables, each three feet six inches (3'-6") by four feet three inches (4'-3");
- Six (6) trash receptacles, each two feet (2') in diameter;
- One (1) condiment station, twelve inches (12") by seven feet three inches (7'-3");
- Seven (7) seven inch (7") bollards;
- One (1) stainless steel enclosed storage container, four feet (4') by twenty one feet three inches (21'-3");
- One (1) eight inch (8") diameter flagpole;
- One (1) stainless steel enclosure for an electric generator, four feet six inches (4'-6") by seven feet six inches (7'-6");
- One (1) countertop approximately one foot nine inches (1'-9") by twenty four feet (24'); and
- One (1) rigid metal awning overhanging the Ninth Street and East Passyunk Avenue sidewalks by approximately ten feet nine inches (10'-9"), supported by nineteen (19) four inch (4") diameter posts.

All obstacles described above will leave approximately five feet (5') of clear, unobstructed footway for pedestrian traffic.

**SECTION 2.** Before exercising any rights or privileges under this Ordinance, Joseph Vento must first 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, Joseph Vento shall enter into an agreement ("Agreement") with

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the appropriate City department(s), in a form satisfactory to the Law Department, where he shall agree to:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner 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;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the various existing sidewalk encroachments described in Section 1;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) absorb all costs and expenses when, at the determination of the City of Philadelphia, the various existing sidewalk encroachments described in Section 1 necessitate relocation and/or removal of any underground structure, either publicly or privately owned, and that such work will be at no cost to the City;

(e) insure that the various existing sidewalk encroachments described in Section 1 are no more than the dimensions listed in Section 1, 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;

(f) 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; and

(g) remove the various existing sidewalk encroachments described in Section 1 within one hundred and eighty (180) days upon service of lawful written notice from the Streets Department.

**SECTION 3.** The Law Department shall include in the Agreement such other terms and conditions deemed necessary or appropriate in the interest of the City.

**SECTION 4.** The permission granted to Joseph Vento to legalize various existing sidewalk encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Joseph Vento has not entered into the Agreement that is required by Section 2 within one (1) year after this Ordinance becomes law.

**SECTION 5.** This Ordinance shall not become effective unless the sum of two hundred

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dollars (\$200.00), 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 January 28, 2010. The Bill was Signed by the Mayor on February 3, 2010.



Michael A. Decker  
Chief Clerk of the City Council