

# City of Philadelphia



(Bill No. 010495)

## AN ORDINANCE

Authorizing Anthony Lucidonio, owner of the property 40-44 Oregon avenue, Philadelphia, PA 19148, to construct, own and maintain tables and chairs, a service stand and an aluminum awning with removable enclosure panels and aluminum support poles on and over the south footway of Oregon avenue adjacent to 40-44 Oregon avenue, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Anthony Lucidonio, 1704 South Fourth street, Philadelphia, PA 19148, owner of the property 40-44 Oregon avenue, Philadelphia, PA 19148 to construct, own and maintain:

(a) One (1) aluminum awning with removable enclosure panels projecting a maximum of approximately ten feet (10') over the south footway of Oregon avenue from a point approximately one hundred and ninety four feet (194') east of the east curb line of Front street to a point approximately two hundred and thirty-nine feet (239') east of the east curb line of Front street. The minimum vertical clearance above the footway will be approximately six feet, eight inches (6'-8"). The awning will be supported by aluminum poles spaced approximately nine feet (9') apart with each pole located approximately ten feet (10') north of the south right-of-way line. A minimum clear footway of approximately eight feet (8') will exist between the south curb line and the poles supporting the awning.

(b) One (1) service stand, approximately five feet (5') long and two feet (2') wide, projecting a maximum of approximately two feet (2') into the south footway of Oregon avenue. The stand is located approximately two hundred and twenty-one feet (221') east of the east curb line of Front street.

(c) Nine (9) tables and chairs encroaching a maximum of approximately ten feet (10') into the south footway of Oregon avenue, leaving a minimum of approximately eight feet (8') clear footway. The tables and chairs will be located from a point approximately one hundred and ninety-four feet (194') east of the east curb line of Front street to a point approximately two hundred and thirty-nine feet (239') east of the east curb line of Front street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Anthony Lucidonio must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board,

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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, Anthony Lucidonio shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Anthony Lucidonio shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the 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 erection, use and maintenance of any of the various encroachments listed in Section 1 of this Ordinance;

(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) insure that the none of the encroachments authorized by Section 1 exceed the dimensions set forth in Section 1;

(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 City Solicitor; and

(f) remove each of the encroachments authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

SECTION 4. The permission granted to Anthony Lucidonio to construct, own and maintain tables and chairs, a service stand and an aluminum awning with removable enclosure panels and aluminum support poles on and over the south footway of Oregon avenue adjacent to 40-44 Oregon avenue as set forth in Section 1 shall expire without any further action by the City of Philadelphia if Anthony Lucidonio has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

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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 November 15, 2001. The Bill was Signed by the Mayor on November 28, 2001.



Marie B. Hauser  
Chief Clerk of the City Council