



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 050067

Introduced February 3, 2005

Councilmember DiCicco

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing Felix Penzarella, 618 S. Front Street, Philadelphia, PA 19147, owner of the property 618 S. Front Street, Philadelphia, PA 19147, his successors and assigns, to construct and maintain a rear building addition on Hancock Street, under certain terms and conditions.

WHEREAS, The four story building is a separate structure from 618 S. Front Street, but on the same deeded parcel, and will be used as a single family dwelling with ground level garage and living areas on the 2nd, 3rd and 4th floor levels; and

WHEREAS, Portions of the rear building addition on the 2nd, 3rd and 4th floor encroach onto the public right-of-way of Hancock Street.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Felix Penzarella, owner of the property 618 S. Front Street, Philadelphia, PA 19147, his successors and assigns, to construct, own and maintain:

A four (4) story rear building located approximately eighty-five feet (85') south of the south houseline of Kater Street. At the 2nd, 3rd & 4th story levels the building face encroaches approximately two feet six inches (2'-6") into Howard Street at a width of approximately seventeen feet (17'). At the 2nd floor level, a curved balcony (approximately twelve feet eight inches (12'-8") wide by one foot ten inches (1'-10") maximum projection) encroaches approximately four feet four inches (4'-4") into Hancock Street. At the 3rd floor level, a rectangular balcony (approximately five feet eight inches (5'-8") wide by one foot (1') projection encroaches approximately three feet six inches (3'-6") into Hancock Street.

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SECTION 2. The construction, use, and maintenance of the building addition listed 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, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Felix Penzarella must first obtain or have his 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, before exercising any rights and privileges under this Ordinance, Felix Penzarella shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Felix Penzarella shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, he shall remove the building addition without cost or expense to the City when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either 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 Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the building addition or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Felix Penzarella self assumes liabilities and obligations normally covered by Surety Bond;
- (c) 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 commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted;
- (d) 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 addition;

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- (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 Felix Penzarella is self insured and is providing the City of Philadelphia the 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 addition 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 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 footways on S. Front Street, Howars Avenue and Hancock Street adjacent to the property.

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 permission granted to Felix Penzarella to construct, own and maintain the building addition described in Section 1 shall expire without any further action by the City of Philadelphia if Felix Penzarella 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.

SECTION 6. 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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