

# City of Philadelphia



(Bill No. 010375)

## AN ORDINANCE

Granting permission to Starbuck's Coffee Company, tenant of the property 3401 Walnut street, Philadelphia, PA 19104, to operate and maintain an open air sidewalk cafe on the west footway of Thirty-fourth street adjacent to 3401 Walnut street, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Starbuck's Coffee Company, tenant of the property 3401 Walnut street, Philadelphia, PA 19104, to operate and maintain an open air sidewalk cafe with six (6) tables and four (4) free standing umbrellas encroaching a maximum of approximately five feet (5') on the west footway of Thirty-fourth street adjacent to the building 3401 Walnut street, leaving a minimum of approximately eight feet (8') unobstructed footway.

The tables and free standing umbrellas will be located between the approximate offsets of thirty-nine feet, six inches (39'-6") and seventy-eight feet, two inches (78'-2") north of the north curb line of Walnut street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Starbuck's Coffee Company must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commission. 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, Starbuck's Coffee Company shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor, which shall:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the City Solicitor to insure compliance with all of 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 open air sidewalk cafe;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards,

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agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, the open sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Nathan Ross and Samuel Lynagh will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the six (6) tables and four (4) free standing umbrellas for the open air sidewalk cafe encroach no more than a maximum of approximate five feet (5') onto the west footway of Thirty-fourth street adjacent to the property 3401 Walnut street;

(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 City Solicitor;

(g) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department; and

(h) submit documentation in a form acceptable to the City Solicitor from the owner(s) of the property 3401 Walnut street, Philadelphia, PA 19104, that such owner(s) has no objection to the Starbuck's Coffee Company, as a tenant of 3401 Walnut street, operating and maintaining an open air sidewalk café adjacent to the property 3401 Walnut street, Philadelphia, PA 19104.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions, as he shall deem necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Starbuck's Coffee Company, as tenants of the property 3401 Walnut street, to maintain and operate an open air sidewalk café on the west footway of Thirty-fourth street adjacent to the property 3401 Walnut street shall expire without any further action by the City of Philadelphia if Starbuck's Coffee Company 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.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) 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 June 14, 2001. The Bill was Signed by the Mayor on June 28, 2001.



Marie B. Hauser  
Chief Clerk of the City Council