

City of Philadelphia



(Bill No. 060225)

AN ORDINANCE

Authorizing Church of New Hope and Faith, Inc. to construct, operate and maintain a one-story vestibule entrance (enclosing an existing ramp with landing and an existing overhead rigid canopy) located on the eastern sidewalk of N. 39th Street at 661 N. 39th Street, Philadelphia, PA 19104, under certain terms and conditions.

WHEREAS, the Church of New Hope and Faith, Inc. has requested authorization for the construction, operation and maintenance of a one-story vestibule entrance (enclosing an existing ramp with landing and an existing overhead rigid canopy) located on the eastern sidewalk of N. 39th Street at 661 N. 39th Street, Philadelphia, PA 19104; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Church of New Hope and Faith, Inc., its successors and assigns are hereby authorized to construct, operate and maintain a one-story vestibule entrance (enclosing an existing ramp with landing and an existing overhead rigid canopy) located on the eastern sidewalk of N. 39th Street at 661 N. 39th Street, Philadelphia, PA 19104, as follows:

The vestibule entrance, which is approximately eleven feet (11') high, is approximately seventeen feet (17') in length and approximate four feet (4') in width, leaving approximately eight feet (8') of clear, unobstructed footway on the eastern sidewalk of N. 39th Street. The vestibule is located approximately seventeen feet (17') north of the north curblineline of Melon Street.

SECTION 2. The construction, operation and maintenance of the vestibule entrance described in Section 1 above 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, Church of New Hope and Faith, Inc. must first obtain or have its contractor(s) obtain all required as-built 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, Church of New Hope and Faith, Inc. shall enter into an agreement ("Agreement") with the appropriate City

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department or departments, satisfactory to the Law Department, providing that Church of New Hope and Faith, Inc. shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, Church of New Hope and Faith, Inc. shall remove the vestibule entrance described in Section 1 above without cost or expense to the City and shall restore the affected cartways and footways at no cost or expense to the City to accommodate a municipal or municipal-sponsored construction project;

(b) furnish the City with 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 aforementioned Agreement;

(c) assume the costs and expenses 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, operation and maintenance of the vestibule entrance described in Section 1 above;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of the vestibule entrance described in Section 1 above, or its removal;

(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 Church of New Hope and Faith, Inc. is self-insured and is providing the City of Philadelphia that 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 vestibule entrance described in Section 1 above carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(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 right-of-way of any affected streets;

(h) insure that the vestibule entrance encroaches on the eastern sidewalk of N. 39th Street no more than the dimensions listed in Section 1 above, provided that the

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Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits of Section 1 within the standard tolerance of current engineering practice; and,

(i) provide notarized written permission from the owner of the property at 661 N. 39th Street, Philadelphia, PA 19104, for the construction, operation and maintenance of the vestibule entrance described in Section 1 above, if the owner of the property is not Church of New Hope and Faith, Inc.

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 authorization granted to Church of New Hope and Faith, Inc. for the construction, operation and maintenance of the vestibule entrance described in Section 1 above shall expire without any further action by the City if Church of New Hope and Faith, Inc. has not entered into the Agreement and satisfied all requirements of the Agreement 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), towards 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 June 1, 2006. The Bill was Signed by the Mayor on June 15, 2006.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council