



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 090843**

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**Introduced November 19, 2009**

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**Councilmember Jones**

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

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## **AN ORDINANCE**

Authorizing Charles E. Jackson, his successors and assigns to legalize, construct, own, operate and maintain an existing building extension at 5801 Master Street, Philadelphia, PA 19131, all under certain terms and conditions.

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

SECTION 1. Charles E. Jackson, his successors and assigns are hereby authorized to legalize, construct, own, operate and maintain an existing building extension located at 5801 Master Street, Philadelphia, PA 19131 as follows:

The building extension is located approximately 17 feet (17') westerly of the west curb line of N. 58th Street and with an approximate length of twelve feet (12'). The extension shall be no higher than fifteen feet (15') high. The structure may encroach onto the northerly sidewalk approximately five feet (5'), leaving a distance of approximately eight feet (8') for clear, unobstructed pedestrian traffic.

SECTION 2. The legalization, construction, operation and maintenance of the building extension, 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, Charles E. Jackson must first obtain or have his contractor(s) obtain all required as-built permits or proposed building 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.

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In addition, before exercising any rights and privileges under this Ordinance, Charles E. Jackson shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, provided that Charles E. Jackson shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, Charles E. Jackson shall remove the building extension, described in Section 1 above, without cost or expense to the City and shall restore the aforesaid 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 reason of the construction, operation and maintenance of the building extension 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 building extension, 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 Charles E. Jackson 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 building extension described in Section 1 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 aforesaid; and

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(h) insure that the building extension encroaches on the northerly sidewalk of the 5800 block of Master Street no more than the dimensions listed in Section 1 above, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits within the standard tolerance of current engineering practice.

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 Charles E. Jackson to legalize, construct, own, operate and maintain the building extension, described in Section 1 above, shall expire without any further action by the City if Charles E. Jackson 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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