

City of Philadelphia



(Bill No. 030343)

AN ORDINANCE

Authorizing Wills Eye Hospital, 800 Walnut Street, Philadelphia, PA, its successors and assigns, to construct, own and maintain a roof beam architectural embellishment encroaching above the Ninth street public right-of-way, under certain terms and conditions.

WHEREAS, Wills Eye Hospital is the owner of property located at 800 Walnut Street, Philadelphia, PA; and

WHEREAS, Wills Eye Hospital has requested permission to construct, own and maintain a roof beam architectural embellishment encroaching above the public footway south of Ninth street; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Wills Eye Hospital, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

A roof beam architectural embellishment located approximately one hundred and sixty feet zero inches (160'-0") south of the south curblin of Walnut street, encroaching over the east footway of South Ninth street approximately four feet ten and one quarter inches (4'-10 1/4"), with a clear vertical clearance of approximately one hundred and twenty three feet zero inches (123'-0").

The roof beam overhang forms a right triangle over the public footway with the following approximate dimensions: Five feet nine and three eighth inches (5'9 3/8") and eight feet four and one eighth inches (8'-4 1/8") with a base along the building face of approximately ten feet two inches (10'-2").

The clear distance from the east curblin of South Ninth street to the roof encroachment is seven feet three and three quarters inches (7'-3 3/4").

SECTION 2. The construction use and maintenance of the roof beam architectural embellishment 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, Wills Eye Hospital must first obtain or have their contractor(s) obtain all required permits, licenses

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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, Wills Eye Hospital shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Wills Eye Hospital shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the roof beam architectural embellishment without cost or expense to the City and shall restore the cartway and footways of Ninth street at no cost and expense to the City of Philadelphia 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 roof beam architectural embellishment or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Wills Eye Hospital 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 roof beam architectural embellishment;
- (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 Wills Eye Hospital is self insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an

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insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

- (f) insure that all construction contractors for the roof beam architectural embellishment 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 right-of-way of Ninth street.

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 Wills Eye Hospital to construct, own and maintain the roof beam architectural embellishment described in Section 1 shall expire without any further action by the City of Philadelphia if Wills Eye Hospital 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty
Chief Clerk of the City Council