

City of Philadelphia



(Bill No. 080905)

AN ORDINANCE

Authorizing Philadelphia Regional Port Authority, the owner and developer of 1901 South Christopher Columbus Boulevard, and its successors and assigns to construct, own and maintain various encroachments to be installed in conjunction with a warehouse development, all under certain terms and conditions.

WHEREAS, Philadelphia Regional Port Authority located at 3460 North Delaware Avenue, Philadelphia, PA 19134 is the owner and developer of a Forest Product Warehouse at 1901 South Christopher Columbus Boulevard, commonly known as Pier 74, Philadelphia, PA; and

WHEREAS, Philadelphia Regional Port Authority has requested permission to construct, own and maintain various encroachments to be installed in conjunction with the warehouse development; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Philadelphia Regional Port Authority, its successors and assigns, is hereby authorized to construct, own and maintain the following structures appurtenant to 1901 South Christopher Columbus Boulevard:

Building Rail Track on North Bound Lanes South Columbus Boulevard and East Footway

Rail Track:

The proposed at grade rail track will provide rail service to the proposed warehouse from the Beltline Railroad operated by Conrail which is located in the center median of South Christopher Columbus Boulevard across the northbound lanes of South Christopher Columbus Boulevard, onto the east footway of South Christopher Columbus Boulevard and into the proposed warehouse.

Building Encroachment under South Christopher Columbus Boulevard

Pile Supported Structure:

The proposed pile supported structure is approximately thirty feet (30 ft.) long by twelve feet (12 ft.) wide. The pile supported structure, located twenty feet (20 ft.) south of the intersection of Mifflin Street with South Christopher Columbus Boulevard, encroaching approximately ten feet, one inch (10 ft., 1 in.) onto the east footway of South Christopher

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Columbus Boulevard. The western approach slab projects approximately fourteen feet, eight inches (14 ft., 8 in.) onto the east footway of South Christopher Columbus Boulevard.

SECTION 2. The construction, use and maintenance of the encroachments listed in Section 1 shall be in accordance with all applicable laws, rules and regulations.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Philadelphia Regional Port Authority must first obtain or have its 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 or privileges under this Ordinance, Philadelphia Regional Port Authority shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, to provide that Philadelphia Regional Port Authority shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned Agreement, and to protect and release 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 encroachments or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Philadelphia Regional Port Authority self-assumes liabilities and obligations normally covered by surety bond;

(b) 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) agree in writing that when, at the determination of the City of Philadelphia, the various encroachments under and over the footways of South Christopher Columbus Boulevard necessitate relocation and/or removal of any underground structure, either publicly or privately owned, Philadelphia Regional Port Authority will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) remove the various encroachments under the footways of South Christopher Columbus Boulevard within one-hundred and eighty (180) days upon service of lawful written notice from the Department of Streets at no cost or expense to the City;

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(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 Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Philadelphia Regional Port Authority 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;

(g) insure that all construction contractors for the encroachments 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

(h) 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.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 5. The permission granted to Philadelphia Regional Port Authority to construct, use and maintain various encroachments under and on the northbound lanes of South Christopher Columbus Boulevard and on the east footway of South Christopher Columbus Boulevard shall expire without any further action by the City of Philadelphia if Philadelphia Regional Port Authority has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 3 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) is paid into the City Treasury within one hundred and twenty (120) 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 January 22, 2009. The Bill was Signed by the Mayor on February 4, 2009.



Patricia Rafferty
Chief Clerk of the City Council