



City of Philadelphia

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

BILL NO. 010734

Introduced December 13, 2001

Councilmember Clarke

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

AN ORDINANCE

Authorizing Highway Tabernacle Church, owner of the property located at 1801 Spring Garden street, Philadelphia, PA 19130, to construct, use and maintain encroachments, on and over the North footway of Spring Garden street between Eighteenth and Nineteenth streets and the west footway of Eighteenth street between Spring Garden street and Brandywine street adjacent to the property 1801 Spring Garden street; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Highway Tabernacle Church, owner of the property located at 1801 Spring Garden street, Philadelphia, PA 19130, to construct, use and maintain encroachments, on and over the North footway of Spring Garden street between Eighteenth and Nineteenth streets and the west footway of Eighteenth street between Spring Garden street and Brandywine street adjacent to the property 1801 Spring Garden street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Highway Tabernacle Church must first 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, Highway Tabernacle Church shall enter into an agreement ("Agreement") with the appropriate department(s), in form satisfactory to the City Solicitor, to provide that Highway Tabernacle Church shall, *inter alia*:

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(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 City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the 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 erection and use of the wooden deck extension with support columns that is described in Section 1 of this Ordinance;

(c) Comply with the provisions of The Philadelphia Code, thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions as may be required;

(d) Insure that the encroachment extension with support columns authorized by Section 1 does not exceed the dimensions set forth in Section 1;

(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 City Solicitor; and

(f) Remove the encroachment authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 4. The permission granted to Highway Tabernacle Church to construct, use and maintain encroachments, on and over the North footway of Spring Garden street between Eighteenth and Nineteenth streets and the west footway of Eighteenth street between Spring Garden street and Brandywine street adjacent to the property 1801 Spring Garden street shall expire without any further action by the City of Philadelphia if Highway Tabernacle Church 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), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.