

City of Philadelphia



(Bill No. 080383)

AN ORDINANCE

Authorizing Arch Street Hotel Partners, LLC to construct, own and maintain various encroachments at 1421 Arch Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Arch Street Hotel Partners, LLC, to construct, own and maintain various encroachments located at 1421 Arch Street as follows:

Decorative Awning:

The structure projects approximately seventeen feet (17') onto the right-of-way, and is approximately twenty-one feet (21') in width with a minimum clearance of approximately seventeen feet (17') above Arch Street.

Two Movable Urns:

The proposed movable urns to be used for plants will be strategically located on either side of the building along the north footway of Arch Street. The urns are approximately four feet (4') in diameter.

Bicycle Rack:

The proposed bicycle rack will be strategically placed onto the north footway of Arch Street and will be approximately ten feet (10') in length.

SECTION 2. The construction, use and maintenance of the encroachment 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, Arch Street Hotel Partners, LLC must first obtain or have their 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

City of Philadelphia

BILL NO. 080383 continued

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exercising any rights and privileges under this Ordinance, Arch Street Hotel Partners, LLC shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Arch Street Hotel Partners, LLC *inter alia*:

(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the various encroachments without cost or expense to the City and shall remove the various encroachments 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 City Solicitor 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 various encroachments or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Arch Street Hotel Partners, LLC 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 encroachments;

(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, or in lieu thereof, submit documentation in form and content acceptable to the City that Arch Street Hotel Partners, LLC 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;

(f) insure that all construction contractors for the various 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 City Solicitor; 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

City of Philadelphia

BILL NO. 080383 continued

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of their respective facilities which may lie within the public right-of-way of any affected streets.

SECTION 4. 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 5. The permission granted to Arch Street Hotel Partners, LLC to construct, own and maintain various encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Arch Street Hotel Partners, LLC have 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), toward costs thereof, is paid into the City Treasury within ninety (90) days after the date this Ordinance becomes law.

City of Philadelphia

BILL NO. 080383 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2008. The Bill was Signed by the Mayor on June 18, 2008.



Patricia Rafferty
Chief Clerk of the City Council