

# City of Philadelphia



(Bill No. 020168)

## AN ORDINANCE

Authorizing 801 Market Street Holdings, L.L.C., owners of the property 801 Market Street, Philadelphia, PA 19107 to construct, own and maintain four concrete planters and three steel pipe bollards on the west footway of Eighth street adjacent to the property 801 Market street, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to 801 Market Street Holdings, L.L.C., 1200 River Road Suite 1303, Conshohocken, PA 19428, owner of the property 801 Market Street, Philadelphia, PA 19107 to construct and maintain:

(a) Four (4) concrete circular planters on the west footway of Eighth street, each with an approximate diameter of four feet (4') and an approximate height of three feet (3'). Each planter will be set back approximately twenty inches (20") west of the west curb face of Eighth street. The centerline for each planter will be offset north of the north curb line of Market street at the following approximate locations:

- i. one hundred and seventy-four feet (174')
- ii one hundred and eighty-three feet (183')
- iii one hundred and ninety-two feet (192')
- iv two hundred feet (200');

(b) Three (3) steel pipe bollards within the west footway of Eighth street, each with an approximate diameter of six inches (6") and an approximate height above the footway of three feet, eight inches (3'-8"). Each bollard will be set back approximately twenty-one inches (21") west of the west curb face of Eighth street. The centerline for each bollard will be offset north of the north curb line of Market street at the following approximate locations:

- i one hundred and seventy-nine feet (179')
- ii one hundred and eighty-eight feet (188')
- iii one hundred and ninety-six feet (196').

SECTION 2. Before exercising any rights or privileges under this Ordinance, 801 Market Street Holdings, L.L.C. 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

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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, 801 Market Street Holdings, L.L.C. shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that 801 Market Street Holdings, L.L.C. 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 City Solicitor to insure 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, ownership and maintenance of any of the concrete planters and bollards listed 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 none of the concrete planters or bollards authorized by Section 1 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 each of the concrete planters and bollards authorized by Section 1 from the west footway of Eighth street within sixty (60) days upon lawful service of notice from the City of Philadelphia without any cost to the City of Philadelphia.

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

SECTION 4. The permission granted to 801 Market Street Holdings, L.L.C. to construct and maintain four (4) concrete planters and three (3) steel pipe bollards on the west footway of Eighth street as set forth in Section 1 shall expire without any further action by the City of Philadelphia if 801 Market Street Holdings, L.L.C. 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.

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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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser  
Chief Clerk of the City Council