

City of Philadelphia



(Bill No. 040033)

AN ORDINANCE

Authorizing 111 S. 15th Street Associates LLP, 232 N. Twenty-second Street, Philadelphia, PA 19103, its successors and assigns, to construct and maintain a marquee, raised planters and rigid awnings on and over the public footways on Chestnut Street, S. 15th Street and Sansom Street adjacent to the property, under certain terms and conditions.

WHEREAS, 111 S. 15th Street Associates LLP is the owner of property located at 111 S. 15th Street, Philadelphia, PA; and

WHEREAS, 15th Street Associates LLP has requested permission to construct and maintain a marquee, raised planters and rigid awnings on and over the public footways on Chestnut Street, S. 15th Street and Sansom Street adjacent to the property; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. 111 S. 15th Street Associates LLP, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

(1) Marquee

The steel and wrought iron marquee is situated over the east sidewalk of S. 15th Street. The centerline of the marquee is located approximately one hundred and fifty feet (150') south of the south curblineline of Chestnut Street. The marquee is approximately thirteen feet (13') wide and projects approximately seven feet (7') over the east sidewalk of S. 15th Street. The vertical clearance above the sidewalk is approximately eight feet six inches (8'-6").

(2) Raised Planters

A total of ten (10) cast stone planters are proposed for the following locations: Two (2) on the south sidewalk of Chestnut Street, six (6) for the east sidewalk of S. 15th Street, and two (2) for the north sidewalk of Sansom Street. All planters are approximately six feet (6') long by three feet (3') wide by two feet six inches (2'-6") high. The centerline of each planter is located as follows:

Street	Location	Distance
Chestnut	South	Twenty-eight feet (28') east of east curblineline of S. 15th Street

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Street	Sidewalk	
Chestnut Street	South Sidewalk	Sixty-five feet (65') east of east curbline of S. 15th Street.
S. 15th Street	East Sidewalk	Ninety-four feet (94') south of south curbline of Chestnut Street
S. 15th Street	East Sidewalk	One hundred and twelve feet (112') south of south curbline of Chestnut Street
S. 15th Street	East Sidewalk	One hundred and twenty-seven feet (127') south of south curbline of Chestnut Street
S. 15th Street	East Sidewalk	One hundred and seventy-four feet (174') south of south curbline of Chestnut Street
S. 15th Street	East Sidewalk	One hundred and ninety feet (190') south of south curbline

SECTION 2. The construction use and maintenance of the marquee, raised planters and rigid awnings 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, 111 S. 15th Street Associates LLP 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 exercising any rights and privileges under this Ordinance, 111 S. 15th Street Associates LLP shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that 111 S. 15th Street Associates LLP shall, *inter alia*:

(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the marquee, raised planters and rigid awnings without cost or expense to the City 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 marquee, raised planters and rigid awnings or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that

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111 S. 15th Street Associates LLP 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 marquee, raised planters and rigid awnings;

(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 111 S. 15th Street Associates LLP 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 marquee, raised planters and rigid awnings 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;

(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 footways on Chestnut Street, S. 15th Street and Sansom Street adjacent to the property 9th 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 111 S. 15th Street Associates LLP to construct, own and maintain the marquee, raised planters and rigid awnings described in Section 1 shall expire without any further action by the City of Philadelphia if 111 S. 15th Street Associates LLP 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.

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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.

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 4, 2004. The Bill was Signed by the Mayor on March 11, 2004.



Patricia Rafferty
Chief Clerk of the City Council