

# City of Philadelphia



(Bill No. 010616)

## AN ORDINANCE

Authorizing Ben Franklin Foods, Inc., tenant of the property 3801 Salmon Street, Philadelphia, PA, 19137, to construct, use and maintain two (2) one (1) story building additions and a fence on and over the south footway of Salmon street adjacent to the property 3801 Salmon street; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Ben Franklin Foods, Inc., 2729 Butler Street, Philadelphia, PA 19137, tenant of the property 3801 Salmon Street, Philadelphia, PA, 19137 also known as 2729-2735 Butler street (owned by Seigle, Corda & Cohen Realty Partnership), to construct, use and maintain the following encroachments:

- a. an eight foot (8') high chain link fence projecting onto the south footway of Salmon street a maximum of approximately two feet, eight inches (2'-8") from the south right-of-way line of Salmon street. The fence encroachment begins at a point approximately two hundred and five feet, ten inches (205'-10") east of the east curb line of Butler street and is approximately six feet, two inches (6'-2") in length.
- b. a one (1) story building addition projecting onto the south footway of Salmon street a maximum of approximately eleven feet, three inches (11'-3") from the south right-of-way line of Salmon street. The one (1) story building addition encroachment begins at a point approximately one hundred and eighteen feet, ten inches (118'-10") east of the east curb line of Butler street and is approximately twenty-five feet, nine inches (25'-9") in length.
- c. a one (1) story building addition projecting onto the south footway of Salmon street a maximum of approximately two feet, seven inches (2'-7") from the south right-of-way line of Salmon street. The one (1) story building addition encroachment begins at a point approximately seventy-eight feet, one inch (78'-1") east of the east curb line of Butler street and is approximately six feet, eleven inches (6'-11") in length.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Ben Franklin Foods, Inc. 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

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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, Ben Franklin Foods, Inc. shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Ben Franklin Foods, Inc. 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 of the chain link fence and two (2) one (1) story building additions 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 chain link fence and the two (2) one (1) story building additions authorized by Section 1 do 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;

(f) Remove the chain link fence and the two (2) one (1) story building additions authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia;

(g) Submit documentation in a form acceptable to the City Solicitor from the owners of the property 3801 Salmon street that the owners have no objection to the construction, use and maintenance of the chain link fence and two (2) one (1) story building additions on and over the public right-of-way authorized by this Ordinance.

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 Ben Franklin Foods, Inc. to construct a chain link fence and two (2) one (1) story building additions on and over the south footway of Salmon street adjacent to the property 3801 Salmon street shall expire without any further action by the City of Philadelphia if Ben Franklin Foods, Inc. has not entered into

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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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 20, 2001. The Bill was Signed by the Mayor on January 15, 2002.



Marie B. Hauser  
Chief Clerk of the City Council