

City of Philadelphia



(Bill No. 040965)

AN ORDINANCE

Authorizing Children's Hospital of Philadelphia to construct, own and maintain various encroachments to be installed in conjunction with roadway improvements / streetscape project in the vicinity of South 34th Street and Civic Center Boulevard, under certain terms and conditions.

WHEREAS, Children's Hospital of Philadelphia is the owner of property located at 315-17 Civic Center Boulevard, Philadelphia, PA, 19104; and

WHEREAS, Children's Hospital of Pennsylvania has requested permission to construct, own and maintain various encroachments to be installed in conjunction with roadway improvements / streetscape project in the vicinity of South 34th Street and Civic Center Boulevard; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Children's Hospital of Pennsylvania, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

Raised Retaining Wall / Planters

North Planter Area

The stone faced concrete planter is approximately two feet (2') in height and varies in width from approximately eight feet six inches (8'-6") at the north end to approximately seven feet six inches (7'-6") at the south end.

At the north end, the planter encroaches approximately eight feet six inches (8'-6") onto the west footway of S. 34th Street leaving approximately twelve feet (12') of clear footway. At the south end, the planter encroaches approximately three feet (3') onto the west footway of Civic Center Boulevard leaving approximately twelve feet (12') of clear footway. The north end of the planter is located approximately twenty-three feet (23') south of the south projected curblineline of Convention Avenue. The south end of the planter is located approximately one hundred and forty-three feet (143') north of the north curblineline of East Service Drive. The total length of the wall, which is comprised of two straight sections and one radial section, is approximately two hundred and fifty-six feet (256').

South Planter Area

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The stone-faced concrete planter is approximately two feet (2') high by eight feet (8') wide. At the north end, the planter encroaches approximately three feet (3') into the west footway of Civic Center Boulevard leaving approximately twelve feet (12') of clear footway. The north end of the planter is located approximately one hundred and two feet (102') north of the north curblines of East Service Drive. The raised planter continues south for approximately sixty-one feet (61') where it exits the right-of-way line at a point located approximately forty-one feet (41') north of the north curblines of East Service Drive and fifteen feet (15') west of the west curblines of Civic Center Boulevard.

Pedestrian Lights

The four (4) pedestrian lights with luminaires, which are located within the north retaining wall / planter area, are approximately fifteen feet (15') high. The approximate centerline location for each light post and curb offset is as follows:

Pedestrian Light No.	Location	Offset
1	28' SSCL projected Convention Avenue	19' wwcl of S. 34th Street
2	60' SSCL projected Convention Avenue	19' wwcl of S. 34th Street
3	92' SSCL projected Convention Avenue	19' wwcl of S. 34th Street
4	135' SSCL projected Convention Avenue	19' wwcl of Civic Center Blvd

*SSCL= south of the south curblines, wwcl= west of the west curb line

Signage

Gateway Pylon Signs

The two (2) internally illuminated signs, which are aluminum frame with acrylic sign faces atop a stone clad base, are three sided "pie-shaped" structures. The sign structures, located on the west footway of S. 34th Street, are approximately seventeen feet (17') in height, with two radial sides at approximately four feet (4') and a convex face at approximately six feet (6'). The approximate centerline of each sign and curb offset are as follows:

Sign No.	Location	Offset
1	1' SSCL projected Convention Avenue	15' wwcl of S. 34th Street
2	56' NSCL projected Convention Avenue	15' wwcl of S. 34th Street

* NSCL= north of the south curblines

Directional Pylon Signs

The three (3) internally illuminated signs, which are aluminum frame with acrylic sign faces atop a stone clad base, are rectangular shaped structures approximately four feet (4') long by one foot six inches (1'-6") wide. The northernmost sign structure, located on the west footway of S. 34th Street, is approximately seventeen feet (17') in height. The

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remaining three (3) sign structures, which are located within the north retaining wall / planter area, are approximately fifteen feet (15') in height. The approximate centerline of each sign and curb offset are as follows:

Sign No.	Location	Offset
1	212' NSCL projected Convention Avenue	17' wwcl of S. 34th Street
2	76' SSCL projected Convention Avenue	14' wwcl of S. 34th Street
3	179' NNCL East Service Drive	14' wwcl of Civic Center Blvd

*NSCL= north of the south curb line, NNCL= north of the north curb line

Electrical Conduit and Service

The underground conduit with electrical service connection, which energizes the pedestrian lights and signs, originates from within the property of Children's Hospital of Philadelphia. The conduit, which is a two inch (2") diameter PVC pipe, approximately three feet (3') below grade, runs approximately three hundred and forty feet (340') beneath the west footway of S. 34th Street. The conduit enters the right-of-way at a point located approximately ninety-two feet (92') south of the south projected curblines of Convention Avenue and nineteen feet (19') west of the west curblines of S. 34th Street. The conduit exits the right-of-way at a point located approximately two hundred and twelve feet (212') north of the south projected curblines of Convention Avenue and fourteen feet (14') west of the west curblines of S. 34th Street.

SECTION 2. The construction, use and maintenance of the two (2) raised retaining wall / planter areas, four (4) pedestrian lights within the planter areas, two (2) gateway hospital signs, three (3) directional signs and associated electrical service conduit 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, Children's Hospital of Pennsylvania 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, Children's Hospital of Pennsylvania shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Children's Hospital of Pennsylvania shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the two (2) raised retaining wall / planter areas, four (4)

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pedestrian lights within the planter areas, two (2) gateway hospital signs, three (3) directional signs and associated electrical service conduit without cost or expense to the City and shall restore the cartway and footways aforesaid 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 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 two (2) raised retaining wall / planter areas, four (4) pedestrian lights within the planter areas, two (2) gateway hospital signs, three (3) directional signs and associated electrical service conduit or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Children's Hospital of Pennsylvania 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 two (2) raised retaining wall / planter areas, four (4) pedestrian lights within the planter areas, two (2) gateway hospital signs, three (3) directional signs and associated electrical service conduit;
- (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 Children's Hospital of Pennsylvania 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 two (2) raised retaining wall / planter areas, four (4) pedestrian lights within the planter areas, two (2)

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gateway hospital signs, three (3) directional signs and associated electrical service conduit 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; 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 of their respective facilities which may lie within the public right-of-way of any affected streets aforesaid.

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 Children's Hospital of Pennsylvania to construct, own and maintain the two (2) raised retaining wall / planter areas, four (4) pedestrian lights within the planter areas, two (2) gateway hospital signs, three (3) directional signs and associated electrical service conduit described in Section 1 shall expire without any further action by the City of Philadelphia if Children's Hospital of Pennsylvania 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.

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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 16, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty
Chief Clerk of the City Council