

# City of Philadelphia



(Bill No. 050069)

## AN ORDINANCE

Authorizing American Music Theater Festival T/A Prince Music Theater (“Prince Music Theater”), the owner of the property 1412 Chestnut Street, Philadelphia, PA 19103 to relocate and maintain one statue, the Allow Me statue, which is currently located at 235 S. 17th Street, Philadelphia, PA 19103, on the façade of 1412 Chestnut Street, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Prince Music Theater, 100 South Broad Street, Suite 650, Philadelphia, PA 19110, the owner of the property 1412 Chestnut Street, Philadelphia, PA 19103 to maintain one cast bronze statue with bronze threaded rods for mounting bases on the façade of 1412 Chestnut Street. The bronze statue will be mounted on three (3) rods, each three quarters of an inch (3/4”) in diameter and, when mounted on the façade of 1412 Chestnut Street, will occupy a maximum of approximately twelve and one half square feet (12’-6”) of footway abutting the building façade at 1412 Chestnut Street. The statue is approximately seven feet (7’) high, three feet nine inches (3’-9”) wide (viewed frontally) and four feet two inches (4’-2”) deep. The centerline of the statue will be located south of the south curb line of 1412 Chestnut Street at a distance of approximately ten feet (10’).

SECTION 2. Before exercising any rights or privileges under this Ordinance, Prince Music Theater 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 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, Prince Music Theater shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Prince Music Theater 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 and maintenance of the cast bronze statue on the façade of 1412 Chestnut Street;

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(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 cast bronze statue encroaches into the façade of 1412 Chestnut Street no more than 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 the cast bronze statue encroaching into the façade of 1412 Chestnut Street without cost or expense to the City of Philadelphia within sixty (60) days upon lawful service of notice from the City of Philadelphia.

(g) assume the costs of all changes and adjustments to, and relocation or abandonment of, City of Philadelphia utilities and City of Philadelphia structures wherever located as may be necessary by the reason of the mounting of the statue;

(h) insure that all contractors for the mounting of the statue 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

(i) give the City of Philadelphia 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, adjacent to the property.

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 Prince Music Theater to maintain one cast bronze statue encroaching into the façade of 1412 Chestnut Street shall expire without any further action by the City of Philadelphia if Prince Music Theater 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.

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 with 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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive style with a large, looping initial "P".

Patricia Rafferty  
Chief Clerk of the City Council