

City of Philadelphia



(Bill No. 080384)

AN ORDINANCE

Authorizing Grasso Holdings, Inc. the owner and developer of 1601 Vine Street to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development, all under certain terms and conditions.

WHEREAS, Grasso Holdings, Inc. located at 30 South 15th Street, Philadelphia, PA 19102 is the owner and developer for the lot(s) commonly known as 1601 Vine Street, Philadelphia, PA; and

WHEREAS, Grasso Holdings, Inc. has requested permission to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development and streetscape project; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Grasso Holdings, Inc., its successors and assigns, is hereby authorized to construct, own and maintain the following structures appurtenant to 1601 Vine Street:

Building Encroachments on Vine Street

Rigid Metal Canopy:

The proposed canopy is approximately fifty-six feet (56') wide, and has a minimum height of approximately sixteen feet (16'). The canopy projects approximately five feet (5') onto the north footway of Vine Street.

Building Encroachments on Vine Street and Franklinton Boulevard

Façade Overhang:

The proposed façade overhang is approximately sixty-two feet (62') wide along Vine Street, and is approximately eighteen feet (18') wide along Franklinton Boulevard, and has a minimum height of approximately twelve feet (12') and a maximum height of forty-six feet (46'). The canopy projects approximately at a maximum of four feet (4') onto the north footway of Vine Street and on the eastern footway of Franklinton Boulevard.

Building Encroachment along Vine Street and 16th Street

Rigid Metal Canopy:

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The proposed canopy is approximately twenty feet (20') wide along Vine Street, and its corner, and continues approximately nineteen feet (19') wide along 16th Street. It has a maximum height of sixteen feet (16'). The canopy projects approximately five feet (5') onto the north footway of Vine Street and onto the western footway of 16th Street.

Building Encroachments on Franklinton Boulevard

Three Rigid Metal Canopies:

The first proposed canopy is approximately eight feet (8') wide and has a maximum height of 12 feet. The canopy projects approximately three feet (3') onto the eastern footway of Franklinton Boulevard.

The second proposed canopy is approximately one hundred and four feet (104') wide, and has a maximum height of seventeen feet (17'). The canopy projects approximately fourteen feet (14') onto the eastern footway of Franklinton Boulevard.

The third proposed canopy is approximately ten feet (10') wide, and has a maximum height of twelve feet (12'). The canopy projects approximately six feet (6') onto the eastern footway of Franklinton Boulevard.

Balconies:

Balconies are proposed from the 17th thru to the 37th floors and will project at various lengths onto the footway of Franklinton Boulevard. The maximum projection is approximately two feet (2') onto the east footway of Franklinton Boulevard. The proposed balconies are approximately ten feet (10') wide.

Building Encroachments on Wood Street

Two Rigid Metal Canopies:

The first proposed canopy is approximately twenty-five feet (25') wide and has a maximum height of 25 feet. The canopy projects approximately three feet (3') onto the south footway of Wood Street.

The second proposed canopy is approximately twenty-five feet (25') wide, and has a maximum height of twenty-five feet (25'). The canopy projects approximately three feet (3') onto the south footway of Wood Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Grasso Holdings, Inc. must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board,

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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, Grasso Holdings, Inc. shall enter into an agreement (“Agreement”) with the appropriate City department(s), satisfactory to the Law Department, to provide that Grasso Holdings, Inc. shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned 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 construction, use or maintenance of the various encroachments, over the footways of Wood Street, 16th Street, Vine Street and Franklinton Boulevard;

(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) agree in writing that when, at the determination of the City of Philadelphia, the various encroachments over the footways of Wood Street, 16th Street, Vine Street and Franklinton Boulevard necessitate relocation and/or removal of any underground structure, either publicly or privately owned, Grasso Holdings, Inc. will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) remove the various encroachments over the footways of Wood Street, 16th Street, Vine Street and Franklinton Boulevard within one-hundred and eighty (180) days upon service of lawful written notice from the Streets Department;

(f) 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 Grasso Holdings, Inc. 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;

(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.

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SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Grasso Holdings, Inc. to construct, use and maintain various encroachments over the footways of Wood Street, 16th Street, Vine Street and Franklinton Boulevard shall expire without any further action by the City of Philadelphia if Grasso Holdings, Inc. 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) is paid into the City Treasury within one hundred and twenty (120) 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 5, 2008. The Bill was Signed by the Mayor on June 18, 2008.



Patricia Rafferty
Chief Clerk of the City Council