

City of Philadelphia



(Bill No. 000410)

AN ORDINANCE

Authorizing Keystone Properties, LP, to construct and maintain various encroachments above and over the north footway of the 1000 block of Market street adjacent to the Gallery II, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Keystone Properties, LP, owner of the Gallery II, 1001 Market street, Philadelphia, Pa 19107-3096 to construct and maintain:

(a) One electrified icon sign anchored to the Market street façade of the Gallery II, projecting a maximum of approximately ten inches (10") over and above the north footway of Market street, with the lowest point approximately twenty-four feet, six inches (24'-6") above the footway and the highest point approximately twenty-nine feet, six inches (29'-6") above the footway for an overall height of approximately five feet (5'). The centerline of the electrified icon sign will be located approximately one hundred thirty seven feet, three inches (137'-3") west of the west curb line of Tenth street and have an overall length of approximately twenty-eight feet, six inches (28'-6");

(b) Two stainless steel flagpoles with cloth flags anchored to the Market street façade of the Gallery II, projecting a maximum of approximately five feet over and above the north footway of Market street, with the lowest point approximately twenty-one feet, eight inches (21'-8") above the footway. The centerline of each flagpole will be located west of the west curb line of Tenth street at approximately the following distances:

- (i) one hundred eight feet, three inches (108'-3"); and
- (ii) one hundred sixty-five feet, three inches (165'-3"); and

(c) Four rigid steel canopies over the windows of the Market street façade of the Gallery II, projecting a maximum of approximately two feet (2') over and above the north footway of Market street, with the lowest point approximately ten feet, eight inches (10'-8") above the footway. The center line of each rigid steel canopy will be located west of the west curb line of Tenth street at approximately the following distances:

- (i) ninety-five feet, three inches (95'-3");

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- (ii) one hundred twenty-three feet, three inches (123'-3");
- (iii) one hundred fifty-one feet, three inches (151'-3"); and
- (iv) one hundred seventy-nine feet, three inches (179'-3").

SECTION 2. Before exercising any rights or privileges under this ordinance, Keystone Properties LP 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, Keystone Properties LP shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor, to provide that Keystone Properties LP shall each, *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 the 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 construction and maintenance of various encroachments authorized 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 various encroachments authorized in Section 1 of this ordinance do not project over the public rights of way at dimensions different than that which are specified 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 any or all of the various encroachments from over and above the public rights of way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

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(g) Remove any of the various encroachments attached to the façade of the Gallery II and listed in Section 1 of this ordinance when the various encroachments are not longer used for the purpose authorized by this ordinance or existing law.

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 Keystone Properties LP to construct and maintain various encroachments over and above the north footway of Market street adjacent to the Gallery II, 1001 Market street shall expire without any further action by the City of Philadelphia if Keystone Properties LP 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.

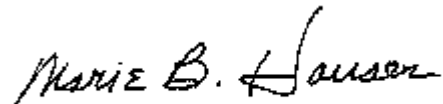
SECTION 5. This ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury with sixty (60) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2000. The Bill was Signed by the Mayor on August 11, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive style with a large, looped initial "M".

Marie B. Hauser
Chief Clerk of the City Council