

City of Philadelphia



(Bill No. 090809)

AN ORDINANCE

Authorizing Brandywine Cira Post Office L.P. to construct, own and maintain various encroachments at 2970 Market Street, all under certain terms and conditions.

WHEREAS, Brandywine Cira Post Office L.P. located at 2929 Arch Street, Philadelphia, PA 19104 is the owner and developer of the former United States Post Office building located at 2970 Market Street, Philadelphia, PA; and

WHEREAS, Brandywine Cira Post Office L.P. is currently undergoing construction for the new offices of the Internal Revenue Service; and

WHEREAS, Brandywine Cira Post Office L.P. has requested permission to construct, own and maintain various encroachments pursuant to its obligations by the United States Department of Homeland Security to provide security enhancements around the building; NOW, THEREFORE

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Brandywine Cira Post Office L.P., its successors and assigns, and therefore is hereby authorized to construct, own and maintain the following structures appurtenant to 2970 Market Street as follows:

Security Bollards along Market Street:

Approximately twenty-nine (29) security bollards at approximately six inches (6") in diameter and four feet (4') in height will project approximately five feet (5') onto the right-of-way, leaving over thirty feet (30') of clearance for pedestrian traffic. The bollards will be integrally connected through a steel foundation that is approximately six inches (6") and four feet (4') wide located two inches (2") below the sidewalk surface. Each security bollard will be typically spaced at five feet (5') on center from 30th Street to Schuylkill Avenue.

Site Walls with Key Card Reader on Market Street:

Two (2) separate granite site walls approximately three feet (3') in width, four feet (4') in height, and twelve feet (12') in length will extend on either side of the new driveway located two hundred seventy-six feet (276') and two hundred ninety-four feet (294') west of the western right-of-way of Schuylkill Avenue leaving over thirty-seven feet (37') of

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clearance for pedestrian traffic. The Key card reader is approximately 2 feet square and will be set on the western face of the east site wall.

Security Bollards along 30th Street:

Approximately eighty-five (85) security bollards at approximately six inches (6") in diameter and four feet (4') in height will project approximately ten feet (10') onto the right-of-way, leaving ten feet (10') of clearance for pedestrian traffic. The bollards will be integrally connected through a steel foundation that is approximately six inches (6") and four feet (4') wide located two inches (2") below the sidewalk surface. Each security bollard will be typically spaced at five feet (5') on center from Market Street to Chestnut Street.

Security Bollards along Chestnut Street:

Approximately one hundred and two (102) security bollards at approximately six inches (6") in diameter and four feet (4') in height will project approximately eleven feet (11') onto the right-of-way, leaving a minimum of approximately eleven feet (11') of clearance for pedestrian traffic. The bollards will be integrally connected through a steel foundation that is approximately six inches (6") and four feet (4') wide located two inches (2") below the sidewalk surface. Each security bollard will be typically spaced at five feet (5') on center from 30th Street to Schuylkill Avenue.

Security Bollards along Schuylkill Avenue:

Approximately two (2) security bollards at approximately six inches (6") in diameter and four feet (4') in height installed approximately two feet (2') north of the north right-of-way of Chestnut Street will project approximately six feet (6') onto the right-of-way. The bollards will be integrally connected through a steel foundation that is approximately six inches (6") deep and four feet (4') wide located two inches (2") below the sidewalk surface. Each security bollard will be typically spaced at five feet (5') on center.

Approximately twenty-seven (27) security bollards at approximately six inches (6") in diameter and four feet (4') in height installed on approximately a six inch (6") high four foot (4') wide closed steel support frame set at grade will project a varying amount onto the right-of-way of approximately between ten feet (10') and fourteen feet (14'), leaving at a minimum approximately seven feet (7') of clearance for pedestrian traffic.

Approximately four (4) security bollards at approximately six inches (6") in diameter and four feet (4') in height installed on a (6") high four foot wide (4') closed steel support frame approximately one hundred forty-six (146') feet north of the north right-of-way of Chestnut Street will project a varying amount onto the right-of-way of approximately five feet (5') to ten feet (10'). Each security bollard will be typically spaced at five feet (5') on center from Chestnut Street to Market Street, leaving at a minimum approximately five feet (5') of clearance for pedestrian traffic.

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Security Barrier along Lower 30th Street:

Beginning at approximately one-hundred and thirty-six feet (136') south of the south right-of-way of the dead end of Ludlow Street, on the easterly side of Lower 30th Street, approximately sixteen (16) security bollards at approximately six inches (6") in diameter and 4 feet (4') in height projecting approximately a maximum distance of eight and one-half feet (8.5') onto the right-of-way, leaving approximately five feet (5') of clearance for pedestrian traffic. Each security bollard will be typically spaced at five feet (5') on center with approximately a two foot square (2') foundation.

Fence for Gas Meter along Lower 30th Street:

Beginning at approximately one hundred fifty-three feet (153') south of the south right-of-way of the dead end of Ludlow Street on the easterly side of Lower 30th Street, a six foot (6') high chain link fence projecting approximately three and one-half feet (3.5') onto the right-of-way for approximately twenty-three feet (23') in length. The fence is required by PGW for protection of the exterior gas meter.

SECTION 2. The construction, use and maintenance of the encroachment 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, Brandywine Cira Post Office L.P. 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, Brandywine Cira Post Office L.P. shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Brandywine Cira Post Office L.P. *inter alia*:

(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the various encroachments without cost or expense to the City and shall remove the various encroachments 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;

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(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 City Solicitor 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 various encroachments or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Brandywine Cira Post Office L.P. 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 encroachments;

(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, or in lieu thereof, submit documentation in form and content acceptable to the City that Brandywine Cira Post Office L.P. 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 various encroachments 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 City Solicitor; 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.

SECTION 4. 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 5. The permission granted to Brandywine Cira Post Office L.P. to construct, own and maintain various encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Brandywine Cira Post Office L.P. 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.

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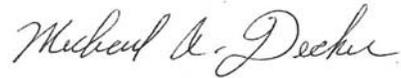
SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within one-hundred and twenty (120) days after the date this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council