

# City of Philadelphia



(Bill No. 040335)

## AN ORDINANCE

Authorizing Samuel Rappaport Ltd., a.k.a. Samson Asset Management, 722 Market Street, Philadelphia, PA 19106, its successors and assigns, to construct, own and maintain raised planters on the public footways for nine (9) properties in Center City, under certain terms and conditions.

**WHEREAS**, Samuel Rappaport Ltd. is the owner of nine (9) properties located at 219 S. Broad Street, 227-31 S. Broad Street, 337 S. Broad Street, 1308 Chestnut Street, 1517 Chestnut Street, 1624 Chestnut Street, 2100 Chestnut Street (a.k.a. 100 S. 21st Street), 722 Market Street and 726 Market Street, Philadelphia, PA; and

**WHEREAS**, Samuel Rappaport Ltd. has requested permission to construct, own and maintain raised planters on the public footways of Broad Street, Chestnut Street, Market Street, Pine Street, Locust Street, Sansom Street, and 21st Street adjacent to the nine (9) properties; now, therefore,

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

**SECTION 1.** Samuel Rappaport Ltd., its successors and assigns, are hereby authorized to construct, own and maintain the following structures:

All planters are twenty-six inches (26") high with variable in diameter from twenty-one inches (21") at the base to thirty inches (30") at the top. The encroachment description for each planter (approximate centerline locations) at each property is as follows:

**219 S. Broad Street** - 2 Planters - *1st Councilmatic District*

Street	Sidewalk	Location	Offset
Broad Street	East	110 ft nncl of Locust Street	21 ft eecl of Broad St
Broad Street	East	138 ft nncl of Locust Street	21 ft eecl of Broad St

**227-31 S. Broad Street** - 4 Planters - *1st Councilmatic District*

Street	Sidewalk	Location	Offset
Broad Street	East	52 ft nncl of Locust St	21 ft eecl of Broad St
Locust Street	North	38 ft eecl of Broad Street	10 ft nncl of Locust St
Locust Street	North	53 ft eecl of Broad Street	10 ft nncl of Locust St
Locust Street	North	69 ft eecl of Broad Street	10 ft nncl of Locust St

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## **337 S. Broad Street** - 2 planters - *1st Councilmatic District*

Street	Sidewalk	Location	Offset
Pine Street	North	35 ft eecl of Broad Street	11 ft nncl of Pine St
Pine Street	North	56 ft eecl of Broad Street	11 ft nncl of Pine St

## **1308 Chestnut Street** - 2 planters - *1st Councilmatic District*

Street	Sidewalk	Location	Offset
Chestnut Street	South	103 ft wwcl of S.13th Street	15 ft sscl of Chestnut St
Chestnut Street	South	138 ft wwcl of S.13th Street	15 ft sscl of Chestnut St

## **1517 Chestnut Street** - 1 planter - *5th Councilmatic District*

Street	Sidewalk	Location	Offset
Chestnut Street	North	159 ft wwcl of S.15th Street	15 ft nncl of Chestnut St

## **1624 Chestnut Street** - 1 planter - *2<sup>nd</sup> Coucilmatic District*

Street	Sidewalk	Location	Offset
Chestnut Street	South	134 ft eecl of S.17th St	15 ft sscl of Chestnut St

## **2100 Chestnut Street** - 13 planters - *2<sup>nd</sup> Councilmatic District*

Street	Sidewalk	Location	Offset
Chestnut Street	South	18 ft wwcl of 21st Street	20 ft sscl of Chestnut St
Chestnut Street	South	41 ft wwcl of 21st Street	20 ft sscl of Chestnut St
Chestnut Street	South	85 ft wwcl of 21st Street	20 ft sscl of Chestnut St
Chestnut Street	South	111 ft wwcl of 21st Street	20 ft sscl of Chestnut St
S. 21st Street	West	27 ft sscl of Chestnut Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	54 ft sscl of Chestnut Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	90 ft sscl of Chestnut Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	130 ft sscl of Chestnut Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	129 ft nncl of Sansom Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	85 ft nncl of Sansom Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	56 ft nncl of Sansom Street	10 ft wwcl of S. 21st St.
S. 21st Street	West	13 ft nncl of Sansom Street	10 ft wwcl of S. 21st St.
Sansom Street	North	18 ft wwcl of S. 21st Street	9 ft nncl of Sansom St

## **722 Market Street** - 2 planters - *1st Councilmatic District*

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Street	Sidewalk	Location	Offset
Market Street	South	162 ft eecl of S. 8th Street	15 ft sscl of Market St
Market Street	South	174 ft eecl of S. 8th Street	15 ft sscl of Market St

## **726 Market Street** - 3 planters - *1st Councilmatic District*

Street	Sidewalk	Location	Offset
Market Street	South	105 ft eecl of S. 8th Street	21 ft sscl of Market St
Market Street	South	127 ft eecl of S. 8th Street	21 ft sscl of Market St
Market Street	South	140 ft eecl of S. 8th Street	21 ft sscl of Market St

**SECTION 2.** The construction use and maintenance of the raised planters 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, Samuel Rappaport Ltd. 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, Samuel Rappaport Ltd. shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Samuel Rappaport Ltd. shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the raised planters without cost or expense to the City 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 raised planters or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Samuel Rappaport Ltd. self-assumes liabilities and obligations normally covered by Surety Bond;

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- (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 due to the construction of the raised planters;
- (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 Samuel Rappaport Ltd. 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 raised planters 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;
- (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 footways on Broad Street, Chestnut Street, Market Street, Pine Street, Locust Street, Sansom Street, and 21st Street adjacent to the properties; and

**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 Samuel Rappaport Ltd. to construct, own and maintain the raised planters described in Section 1 shall expire without any further action by the City of Philadelphia if Samuel Rappaport Ltd. 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 June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty  
Chief Clerk of the City Council