

# City of Philadelphia



(Bill No. 090709)

## AN ORDINANCE

Authorizing Frank and Ritamarie Olivieri, owners of the property Pat's King of Steaks, 901-03 Wharton Street, to legalize various existing sidewalk encroachments located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue, under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to Frank and Ritamarie Olivieri to legalize various existing sidewalk encroachments located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue, also known as 901-03 Wharton Street, as follows:

- Eighteen (18) picnic tables, each four feet (4') by five feet three inches (5'-3");
- Nine (9) trash receptacles, each two feet (2') square;
- One (1) condiment station, eighteen inches (18") by six feet (6');
- One (1) historical description sign, thirty inches (30") square on a three inch (3") diameter post;
- Seven (7) three inch (3") bollards and six (6) seven inch (7") bollards;
- One (1) stainless steel enclosed storage container, four feet (4') by eighteen feet four inches (18'-4"); and
- One (1) rigid metal awning overhanging the sidewalk by approximately eleven feet (11'), supported by twenty (20) four inch (4") diameter posts encircling the entire structure located on the island.

All obstacles described above will leave approximately five feet (5') of clear, unobstructed footway for pedestrian traffic. No rails will be used.

**SECTION 2.** Before exercising any rights or privileges under this Ordinance, Frank and Ritamarie Olivieri 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, Frank and Ritamarie Olivieri shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, which shall:

# City of Philadelphia

BILL NO. 090709 continued

Certified Copy

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all 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 various existing sidewalk encroachments described above and located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue;

(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 existing sidewalk encroachments described above and located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue necessitate relocation and/or removal of any underground structure, either publicly or privately owned, Frank and Ritamarie Olivieri will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the various existing sidewalk encroachments described above and located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue are no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) insure that Frank and Ritamarie Olivieri 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; and,

(g) insure that Frank and Ritamarie Olivieri will remove the various existing sidewalk encroachments described above and located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue within one hundred and eighty (180) days upon service of lawful written notice from the Streets Department.

**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 Frank and Ritamarie Olivieri to legalize various existing sidewalk encroachments described above and located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue shall expire without any further action by the City of Philadelphia if Frank and Ritamarie Olivieri have not entered

# City of Philadelphia

BILL NO. 090709 continued

Certified Copy

into the Agreement that is required by 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), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

# City of Philadelphia

BILL NO. 090709 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 19, 2009. The Bill was Signed by the Mayor on December 1, 2009.



Michael A. Decker  
Chief Clerk of the City Council