



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 090347**

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**Introduced April 30, 2009**

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**Councilmember Krajewski**

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**Referred to the  
Committee on Streets and Services**

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## **AN ORDINANCE**

Authorizing Mayfair Community Development Corporation, 2990 Saint Vincent Street, Philadelphia, PA 19149, its successors and assigns, to construct, own and maintain streetscape improvements on the public footways of Frankford Avenue, from Harbison Avenue to Cottman Avenue, and Cottman Avenue from Frankford Avenue to Leon Street, under certain terms and conditions.

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

**SECTION 1.** Mayfair Community Development Corporation, its successors and assigns, are hereby authorized to construct, own and maintain the following streetscape improvements:

### **Benches**

The fifty-eight (58) metal benches, colored black with anti-graffiti coating, will not display any advertisement. The benches, located approximately two feet (2') off the curbline, will be six feet (6') long. The benches, placed parallel to the curbline facing the building façade, will be anchored to the sidewalk, and placed along Frankford Avenue throughout the project limits.

### **Raised Tree Planters**

The sixty-eight (68) concrete planters, located along Frankford Avenue, each six feet four inches (6'-4") long by four feet four inches (4'-4") wide by three feet (3') tall, will be located approximately one foot six inches (1'-6") off the curbline. The majority of the planters will have a Mayfair CDC logo cast into the front of the planter. The planters outside the Devon Theatre will have a Devon Theatre logo cast into the front of the planter. Each planter will contain a tree.

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## **Raised Flower Planters**

The five (5) metal planters, colored black with an anti-graffiti coating, each two feet four inches (2'-4") in diameter and two feet one half inch (2' - 1/2") high, will be located along Frankford Avenue between Stirling Street and Barnett Street. Each planter will contain perennial flowers and will be anchored to the sidewalk.

## **Planting Beds**

The planting beds will be located along the footway throughout the project limits and within the proposed raised median along Frankford Avenue at Sackett Street, will vary in size, and will be planted with various shrubs, ground cover plantings and perennial flowers. Ornamental fence, colored black, will be located along the building line for the length of each proposed planting bed.

## **Banners**

The ninety-two (92) banners, colored black with "Mayfair" and "The Devon" logos, will be installed along Frankford Avenue throughout the project limits, will be mounted on existing SEPTA poles after they have been painted, will be four feet (4') tall by two feet six inches (2'-6") wide and will be mounted at a height of fifteen feet (15') above the footway. All banners will hang over the footway.

## **Private Pedestrian Lighting**

The pedestrian light poles will have a foundation two feet (2') wide, a pole base three feet (3') tall, and a mounting height of twelve feet (12') for the lamp. The pole bases will be located two feet (2') behind the curblin. Three (3) single light fixtures will be installed on the light poles in the vicinity of the Devon Theatre and six (6) dual light fixtures will be installed on the poles located within the Cottman Avenue Park area.

## **Decorative Crosswalks**

The decorative crosswalks will be inlaid thermoplastic pavement markings and will be ten feet (10') wide or fifteen feet (15') wide as specified on the plans. The pattern will be honeycomb with custom Mayfair emblems, each three feet (3') in diameter at each pedestrian approach. The crosswalks will be located along Frankford Avenue between Stirling Street and Barnett Street and between Cottman Avenue and Ryan Avenue.

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## **Trash Receptacles**

The fourteen (14) trash receptacles, colored black with an anti-graffiti coating, each two feet (2') in diameter and three feet three inches (3'- 3") high, will be anchored to the sidewalk, and placed along Frankford Avenue throughout the project limits.

The exact number, type and location of the streetscape improvements are identified on plans that have been supplied to the Department of Streets for review and approval. The Department of Streets will maintain the authority to review and approve the location of each proposed streetscape improvement prior to installation.

**SECTION 2.** The construction, use and maintenance of the streetscape improvements 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, Mayfair Community Development Corporation 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, Mayfair Community Development Corporation shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Mayfair Community Development Corporation shall *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the streetscape improvements 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 streetscape improvements or their removal, or in lieu thereof, submit documentation in a form and content

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- acceptable to the City that Mayfair Community Development Corporation 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 due to the construction of the streetscape improvements;
  - (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 Mayfair Community Development Corporation 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 streetscape improvements 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 footway on Frankford Avenue adjacent to the property.

**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 the Mayfair Community Development Corporation to construct, own and maintain the streetscape improvements described in Section 1 shall expire without any further action by the City of Philadelphia if Mayfair Community Development Corporation has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within three (3) years after this Ordinance becomes law.

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**SECTION 6.** This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

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