



City of Philadelphia

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

BILL NO. 060694

Introduced September 21, 2006

Councilmember Miller

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

AN ORDINANCE

Authorizing Commerce Bank to construct, operate and maintain a building facade located at 8600 Germantown Avenue at Evergreen Street, Philadelphia, PA 19118, under certain terms and conditions.

WHEREAS, Commerce Bank has requested authorization for the construction, operation and maintenance of a building façade located at 8600 Germantown Avenue at Evergreen Street, Philadelphia, PA 19118 as a result of a settlement agreement made between the Chestnut Hill Civic Association and the bank; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Commerce Bank, its successors and assigns are hereby authorized to construct, operate and maintain a building façade located at 8600 Germantown Avenue at Evergreen Street, Philadelphia, PA 19118 as a result of a settlement agreement made between the Chestnut Hill Civic Association and the bank, as follows:

The façade, which is no higher than twenty-six feet (26') high, is approximately seventy-three feet (73') in length and approximate six feet (6') in width, leaving approximately nine feet (9') of clear, unobstructed footway on the southern sidewalk of the 8600 block of Germantown Avenue.

SECTION 2. The construction, operation and maintenance of the façade described in Section 1 above 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, and the Department of Streets.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Commerce Bank must first obtain or have its contractor(s) obtain all required as-built permits,

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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, Commerce Bank shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, providing that Commerce Bank shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, Commerce Bank shall remove the building façade described in Section 1 above without cost or expense to the City and shall restore the affected cartways and footways at no cost or expense to the City to accommodate a municipal or municipal-sponsored construction project;

(b) furnish the City with 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 aforementioned Agreement;

(c) assume the costs and expenses 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 construction, operation and maintenance of the building façade described in Section 1 above;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of the building façade described in Section 1 above, or its removal;

(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 Commerce Bank is self-insured and is providing the City of Philadelphia that 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 building façade described in Section 1 above carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

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(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;

(h) insure that the building façade encroaches on the southern sidewalk of the 8600 block of Germantown Avenue no more than the dimensions listed in Section 1 above, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits of Section 1 within the standard tolerance of current engineering practice; and

(i) provide notarized written permission from the owner of the property at 8600 Germantown Avenue, Philadelphia, PA 19118, for the construction, operation and maintenance of the building façade described in Section 1 above, if the owner of the property is not Commerce Bank.

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 authorization granted to Commerce Bank for the construction, operation and maintenance of the building façade described in Section 1 above shall expire without any further action by the City if Commerce Bank has not entered into the Agreement and satisfied all requirements of the Agreement within one (1) year after this Ordinance becomes law.

SECTION 6. This Ordinance shall become effective immediately.

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